



California Regulatory Notice Register

REGISTER 2003, NO. 8-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

FEBRUARY 21, 2003

PROPOSED ACTION ON REGULATIONS

TITLE 2. CONSUMER POWER AND CONSERVATION FINANCING AUTHORITY <i>Conflict of Interest Code—Notice File No. Z03-0211-08</i>	Page 245
TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING <i>Conflict of Interest Code—Notice File No. Z03-0207-01</i>	245
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION <i>Conflict of Interest Code—Notice File No. Z03-0211-01</i> <i>State Agency: Department of Parks and Recreation</i>	246
TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE <i>Direct Marketing—Notice File No. Z03-0211-15</i>	247
TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS <i>Alternative Composite Deposit and Record Keeping, Audits and Claims Administration— Notice File No. Z03-0211-07</i>	249
TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING <i>Driver Training Perishable Skills Requirement—Notice File No. Z03-0211-05</i>	252
TITLE 11. DEPARTMENT OF JUSTICE <i>Laboratory Certification, Firearms Safety Devices—Notice File No. Z03-0211-13</i>	254
TITLE 14. FISH AND GAME COMMISSION <i>Inland Coho Salmon Sport Fishing Regulations—Notice File No. Z03-0211-14</i>	256
TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE <i>Financial Responsibility/Administration Fund Fee—Notice File No. Z03-0211-09</i>	257
TITLE 15. BOARD OF CORRECTIONS <i>Standards and Training of Local Corrections and Probation Officers—Notice File No. Z03-0131-04</i>	260
TITLE 16. BOARD OF PHARMACY <i>Citation and Fine—Notice File No. Z03-0210-03</i>	262

(Continued on next page)

*Time-
Dated
Material*

TITLE 16. BOARD OF PHARMACY	
<i>Sterile Compounding Standards—Notice File No. Z03-0210-02</i>	264
TITLE 16. MEDICAL BOARD OF CALIFORNIA	
<i>California Physician Corps Loan Repayment Program—Notice File No. Z03-0211-10</i>	267
TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD	
<i>License Status and History Certification Letter Fee—Notice File No. Z03-0210-01</i>	268
TITLE 17. DEPARTMENT OF HEALTH SERVICES	
<i>Requirements for the Use of X-Ray in Mammography—Notice File No. Z03-0130-01</i>	270
TITLE 22. DEPARTMENT OF HEALTH SERVICES	
<i>Established Place of Business—Notice File No. Z03-0123-01</i>	274
TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE	
<i>Interpretive Opinions—Notice File No. Z03-0211-02</i>	277

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD	
<i>Notice of Postponement Regarding the California Zero Emission Vehicle</i>	278

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Chemicals Known to the State to Cause Cancer</i>	279
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Chemical Listed Effective February 21, 2003 As Known to the State of California to Cause Cancer</i>	287
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Request for Information on Chemicals to Be Considered by the OEHHA Science Advisory Board's Carcinogen Identification Committee</i>	288

DECISION NOT TO PROCEED

BOARD OF PHARMACY	
<i>Regarding Sterile Compounding Standards</i>	289

(Continued on next page)

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS

<i>Petition Decision Regarding “Providing Basic Preventive Oral Hygiene to Inmates With Disabilities, or Who are Otherwise Physically Incapable Practicing Routine Oral Hygiene</i>	<i>289</i>
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SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	290
Sections Filed, October 9, 2002 to February 12, 2003.....	292

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. CONSUMER POWER AND CONSERVATION FINANCING AUTHORITY

NOTICE OF INTENTION TO ADOPT A CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Consumer Power and Conservation Financing Authority intends to adopt a conflict of interest code pursuant to Government Code Section 87302. Pursuant to Government Code Section 87300–87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comments period has been established commencing on February 21, 2003 and terminating on April 7, 2003. Any interested person may present written comments concerning the proposed code adoption no later than March 24, 2003. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than 15 days prior to the close of the written comment period, a public hearing.

The California Consumer Power and Conservation Financing Authority has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

Copies of the proposed code adoption and all of the information upon which it is based may be obtained from:

Consumer Power and Conservation
Financing Authority
901 P Street, Suite 142A
Sacramento, California 95814

Any inquiries concerning the proposed code adoption should be directed to Emilio E. Varanini, Esq., General Counsel, at (916) 651-9750.

The California Consumer Power and Conservation Financing Authority must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the actions is

proposed or would be as effective and less burdensome to affected private persons than the proposed action.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Consumer Power and Conservation Financing Authority has determined that this proposal imposes no mandate on local agencies or school districts.

Cost or savings to any state agency: none

Cost to any local agency or school district in which reimbursement is required under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: none

Other nondiscretionary cost or savings imposed on local agencies: none

Cost or savings in federal funding to the state: none

EFFECT ON HOUSING COSTS AND SMALL BUSINESSES

The adoption, amendment or repeal of the proposed regulation will have no significant effect on housing costs or on private persons, businesses, or small businesses.

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE OF INTENTION TO AMEND CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Department of Fair Employment and Housing, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Fair Employment and Housing proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment adds newly created positions to the Department's Code and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing

no later than April 30, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than April 15, 2003, by contacting the Contact Person set forth below.

The Department of Fair Employment and Housing has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Fair Employment and Housing has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Fair Employment and Housing must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Steven R. Crooks
c/o Department of Fair Employment and Housing
2014 T Street, Suite 210
Sacramento, CA 95814
Telephone: (916) 227-2883
Facsimile: (916) 227-2845
E-mail: steven.crooks@dfeh.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the amended conflict of interest codes of the following agencies:

CONFLICT OF INTEREST CODE

AMENDMENT

STATE AGENCY:

Department of Parks and Recreation

A written comment period has been established commencing on **February 21, 2003**, and closing on **April 7, 2003**. Written comments should be directed to the Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code. Any written comments must be received no later than **April 7, 2003**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the

codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 1392.12, subsection (a), subsection (b) and subsection (c), of the regulations in Title 3 of the California Code of Regulations pertaining to the direct marketing of agricultural products under a declared emergency as an emergency action that was effective on December 24, 2002. The Department proposes to continue the regulation as adopted and to complete the adoption process by submission of a Certificate of Compliance no later than April 23, 2003.

Notice is also given of a written public comment period. Any interested person, or his or her duly authorized representatives, may present statements or arguments in writing relevant to the proposed regulation until 5:00 p.m. on April 7, 2003. Please refer to the contact section of this notice for the contact persons and address information when submitting comments.

A public hearing is not scheduled but will be if any interested person, or his or her duly authorized representative, submits a written request for public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing (if one is requested) or following the written comment period (if no public hearing is requested), the Department of Food and Agriculture, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, the Secretary lacks the regulatory authority, under any type of an emergency, to waive or modify specific restrictions on the direct marketing of agricultural products sold at certified farmers' markets. Section 1392.12 will provide the authority to the Secretary to grant waivers or modifications when certifying certified producers.

Title 3 of the California Code of Regulations, Sections 1392.4, 1392.9.1 and 1392.9.2 specifies certain conditions and limitations under which a certified producer may sell their agricultural products at certified farmers' markets. To sell at a certified farmers' market, a producer is required to become certified by applying to the county agricultural commissioner in the county where their farm is located. A certified producer may also represent or be represented by another certified producer and apply for certification under a partnership or a lease agreement. Under these conditions, there are specific requirements to obtain certification. Under lease and partnership agreement requirements, the applicant applying for certification is required to provide the county agricultural commissioner with a current copy of the agreement. Section 1392.9.2 requires applicants to enter into these agreements prior to a specific time frame. Section 1392.4 requires the certified producer, when selling for another certified producer, to sell a greater amount by volume of their own products than the certified producer they are representing.

The proposed adoption would provide the Secretary with the authority and discretion as needed, on a case by case basis, to waive or modify specific restrictions on the direct marketing of agricultural products to sell at a certified farmers' under an emergency situation. The proposal would provide assistance to affected producers subject to a plant, pest or animal quarantine in addition to other types of declared emergencies such as natural disasters or other types of pest infestations. Under this proposal, prior to granting any waivers or restrictions, the affected producer would be required to file a compliance agreement to maintain the integrity of the program, which is based upon the practice of the

agricultural arts on property the producer controls. This proposal would allow the Secretary the discretion to waive the timing requirements of when a certified producer must enter into a lease agreement. The proposal would allow the producer to request assistance and enter into a lease agreement outside the quarantine area to continue farming in addition to waiving the volume requirement when selling for another producer.

FISCAL IMPACT STATEMENTS

The Department of Food and Agriculture has initially determined Section 1392.12 does not impose a mandate on local agencies or school districts. The Department also has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under "Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed regulation will not impact small businesses. The Department is not aware that the proposed change in the regulations would result in added cost on small businesses affected by this proposed change and would have a positive effect on such businesses. This is based on the fact that the proposed change provides the Secretary with discretionary authority to waive or modify specific restrictions on the direct marketing of agricultural products at certified farmers' markets providing relief to producers in declared quarantine areas.

EFFECT ON HOUSING COSTS

The Department has initially determined that the amendment of the proposed regulation will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has initially determined that the proposed changes will have no significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

ASSESSMENT STATEMENT

The Department of Food and Agriculture has made an assessment that the proposed adoption of the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate

existing businesses within California, or (3) affect the expansion of business currently doing business within California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of a cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations.

AUTHORITY

The Department proposes to adopt Section 1392.12 pursuant to the authority vested by Sections 407, 47000, 47001, 47002, 47003, 47004, 47005, 47005.1, and 47020 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret, or make specific Section 47000, 47001, 47002, 47003, 47022, 47022.3, and 47022.6 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquires about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Janice L. Price, Department of Food and Agriculture, Inspection Services, 1220 N Street, Sacramento, CA 95814, phone number (916) 445-2180, fax number (916) 445-2427. Comments may also be submitted via e-mail at jprice@cdfa.ca.gov. In her absence, you may contact Sonja Dame at (916) 445-2180. Questions regarding the substance of the proposed regulation should be directed to Janice L. Price.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon

which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein. If the regulation adopted by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT REGULATIONS AND NOTICE OF PUBLIC COMMENT PERIOD CONCERNING PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to the authority vested in him by Labor Code Sections 55 and 3702.10, to implement and make specific the provisions of Labor Code Sections 3700, 3701 and 3701.8, the Director of Industrial Relations proposes to amend Article 3, Sections 15210, 15210.1, 15210.2, 15216, Article 9, Section 15400, Article 11, Section 15430 and to adopt a new Article 3.1, Sections 15220 through 15220.8 in Title 8, Chapter 8, Subchapter 2, regarding Alternative Composite Deposits.

Pursuant to Government Code Sections 11346.4 and 11346.5, notice is hereby given that any interested person may present statements or arguments in writing relevant to the action proposed to the agency officer named below no later than **5:00 p.m. on April 8, 2003**, which shall constitute the close of the public comment period.

A public meeting at 9:00 a.m. will be held explaining the process of the alternative composite deposit. We will not accept any comments during that time. The public hearing will follow afterwards.

A public hearing has been scheduled as follows:

Date: Tuesday, April 8, 2003

Time: 10:00 a.m.

Room: Auditorium, EDD Building

Place: 722 Capitol Mall, Sacramento

At the public hearing any interested person or his/her duly authorized representative may present oral comments or submit written comments regarding the

proposed changes being considered for adoption. Following the public hearing, the Director may adopt the proposal substantially as set forth without further notice.

If modifications are made which are substantially related to the originally proposed text, the modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Director adopts the regulations. Requests for copies of any modified regulations should be addressed to the agency officer named below. Written comments on the modified regulations (if any) will be accepted for 15 days after the date on which the modified text was made available.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Mark B. Ashcraft, Manager, Self Insurance Plans, 2265 Watt Avenue, Suite 1, Sacramento CA 95825. The written comment period closes at 5:00 p.m. on April 8, 2003.

Written comments may also be sent to Mark B. Ashcraft, Manager Via fax (916) 483-1535 or via electronic mail to TFreese@dir.ca.gov.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as request for copies of the text of the proposed regulations, may be directed to Diana Reed at (916) 483-3392 extension 3005. The backup contact person is Tina Freese at (916) 483-3392 extension 3007 or email at TFreese@dir.ca.gov. Inquiries regarding the substance of the proposed regulations may be directed to Mark Ashcraft at (916) 483-3392.

1. Title 8, Article 3, Sections 15210–15210.2, and 15216, Article 3.1, Sections 15220–15220.9, Alternative Composite Deposit Program, Article 11, Section 15430, Hearing and Appeal Procedures

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law in Section 3701 of the Labor Code requires every private self insuring employer to post a security deposit to secure incurred worker's compensation liabilities and requires the security deposit to be cash, securities, surety bonds or irrevocable letters of credit, in any combination.

Labor Code Section 3701.8 was added by legislation, (Chapter 866, Statutes 2002), that would permit the Director to accept an alternative security deposit system posted by the Self Insurers' Security Fund rather than individually by each private self insured employer to secure workers' compensation liabilities.

This alternative composite deposit would be in lieu of each private self insured employer posting their own security deposit.

Existing Article 3 provides the requirements for posting security deposit with the Office of Self Insurance Plans. This section will be amended to reference the new requirements in Article 3.1 and Labor Code Section 3701.8. This section is also amended to clarify security deposit requirements.

The new Article 3.1 is proposed to establish regulations for posting an alternative composite deposit and to establish the qualification and procedures for the new alternative security deposit system.

Existing Article 11 provides for requirements for hearing and appeal procedures. This section will be amended to establish provisions for hearings on appeals for the alternative composite deposit assessments.

Article 3

Existing Section 15210 requires all private self insured employers to post and maintain a security deposit in accordance with the provisions of Labor code Section 3701. This section will be amended to add a reference to security deposits posted in accordance with Article 3.1.

Existing Section 15210.1 discusses adjustments in the amount of security deposit. This section will be amended for clarification with editorial revisions as required by Labor Code Section 3701.

Existing Section 15210.2 requires as part of the revocation of a Certificate to Self Insure, the Manager shall determine the need for a special revocation audit of the claims of any private self insurer and the need to a deposit adjustment to secure future liabilities of the revoked private self insurer. Amendments to subsections (a) and (b) editorially revised to reference the new Labor Code Section 3701.8.

Existing Section 15216 requires that if a self insurer fails to pay workers' compensation benefits due, the cost of the administration and legal expenses of existing and new claims shall be made from the security deposit set aside for this purpose.

Subsection (c) is amended to editorially change the title of the section to "Defaulted".

Article 3.1

A new section 15220 will specify that Self Insurance Plans will annually develop a list of the security deposit amounts required for each self insurer qualified for the alternative composite deposit program. Any private self insurer that fails to file their Annual Report by April 1 of each year, shall be deemed to have twice the liabilities indicated on their prior year's Annual Report for the purpose of

preparing the listing of required security deposits. This list will be provided to the Self Insurers' Security Fund.

A new section 15220.1 will establish a procedure for rating the financial stability of a self insurer that does not have a public financial statement. This section will require the private self insurer to provide financial information from their current financial statement. This section will also require the information to be included on a new form.

A new Section 15220.2 will propose to establish the lay out process for the Alternative Composite Deposit between the Department and the Security Fund. This section requires the Security Fund to make a proposal in writing to the Manager and what the contents are in the proposal.

A new Section 15220.3 will establish the private self insurers who can participate in alternative composite deposits.

A new Section 15220.4 will establish the four different types of deposit assessments. The Default Loss Fund Fee, Excess Liability Protection Fee, the Pre-Existing Deposit Shortfall Fee and the New Self Insurers' Fair Share Contribution Fee.

A new Section 15220.5 will require the Self Insurers' Security Fund Board of Trustees to track and develop a historical, annual schedule of cash contributions for the first 10 years to building net worth in the Default Loss Fund. Each new self insured employer is then surcharged a "fair share" contribution for any years of the initial ten years that the new self insured employer did not contribute to the Default Loss Fund. This 10 year contribution to the new worth is called the "New Self Insurers Fair Share Contribution Surcharge Fee".

A new Section 15220.6 will require each private self insurer who participates in the alternative composite deposit to pay a deposit assessment and to establish civil penalties for the private self insured employer who fails to post the deposit assessment in the time allotted by the Self Insurers' Security Fund.

A new Section 15220.7 will establish appeals on deposit assessments and deposit assessment penalties.

A new Section 15220.8 will require the Board of Trustees of the Self Insurers' Security Fund to make a detailed accounting of monies collected from each deposit assessment to the Director within 90 days of each payment due date of the assessment.

Article 11

Existing Section 15430 discusses the requirements that the Director may investigate or hold a hearing to implement the law and regulations with respect to self insurance matters.

This proposal will establish provisions for hearings on appeals for the alternative composite deposit assessment.

2. Title 8, Article 9, Sections 15400, Claim File Contents

Existing regulations in Group 2, Article 9, of Chapter 9, Title 8, California Code of Regulations contain general requirements for maintenance and retention of self insured workers' compensation case files and logs, self-insurance plan administration and audits.

This proposal will expand and clarify the required contents of workers' compensation claim files to ensure that the entire documentation related to this claim are maintained in the claim file for the self insured employers and be arranged in some consistent chronological order, with the most recent occurrence filed on top utilizing metal file fasteners to keep documents secured to the folder.

Existing Section 15400 requires every self insurer or its administrative agency to maintain a claim file for each self insured indemnity and or medical only working injury.

This proposal will require every self insurer or its administrative agency to keep the claims files in chronological order and by subject matter and also require additional documents. This proposal will also insure each claims administrator maintains for a self insured employer a claim files that will reflect a more complete history of the action taken by the administrative agency and better assist Self Insurance Plans to monitor the claims administrator's estimates of future liability on workers' compensation claims and will assist the claims auditor in their responsibility of handling the file.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Determination of Mandate

The Director of Industrial Relations has determined that the proposed regulations do not impose a mandate on local agencies or school districts or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California constitution."

Cost or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school are required to be reimbursed in accordance with Government Code Sections 175000 through 17630.

Other Non-discretionary Costs or Savings Imposed on Local Agencies or School Districts

This proposal does not impose non-discretionary cost or savings imposed on local agencies or school districts.

Costs or Savings in Federal Funding to the State

This proposal will not result in costs or savings in federal funding to the state.

Impact on Housing Costs

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant effect on housing costs.

Cost Impact on Representative Private Persons or Businesses

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on Business

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

ALTERNATIVES CONSIDERED

The Director must determine that no reasonable alternative considered by the agency or that otherwise been identified and brought to it's attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SMALL BUSINESS IMPACT

This regulation will have no adverse impact on small business because it does not impose any new requirements on employers nor does it amend any existing requirements impacting small business. In addition, small businesses are not affected by Self Insurance regulations, since small businesses cannot qualify for self insurance and the banks affected by these regulations are not defined as small businesses.

**ASSESSMENT OF JOB/BUSINESS CREATION
OR ELIMINATION**

The Department has made an assessment that the proposed amendment to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

A copy of the express terms of the proposed changes in strikeout-underline format is available upon request to the agency officer listed above. An Initial Statement of Reasons describing the specific purpose and factual basis for the proposed regulations and the substantive facts upon which the proposed regulations are based is also available upon request from the agency officer. These documents are also available on the SIP Website at <http://sip.dir.ca.gov>, the SIP Rulemaking Section.

The copy of the final statement of reasons will be prepared after the close of the public comment period. To obtain a copy of the final statement of reasons, contact Tina Freese at the address above and will also be available on the SIP Website at <http://sip.dir.ca.gov>, under the SIP Rulemaking Section.

A copy of this Notice will be automatically sent to those persons on the Self-Insurance Plans Public and Private Self-Insurer's mailing list; to all Third-Party Administrators or exempt insurance carriers that are claims administrators for self insured workers' compensation plans; to the Self-Insurers' Security Fund.

The rulemaking file for the proposed action is open to public Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Office of Self-Insurance Plans, 2265 Watt Avenue, Suite 1, Sacramento, California 95825.

**TITLE 11. COMMISSION ON
PEACE OFFICER STANDARDS
AND TRAINING****NOTICE OF PROPOSED REGULATORY ACTION
AMENDMENT OF COMMISSION REGULATION
1005(d)(3) AND COMMISSION PROCEDURE D-2
DRIVER TRAINING PERISHABLE SKILLS
REQUIREMENT—CONTINUING
PROFESSIONAL TRAINING (CPT)**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Penal Code Sections 13503 (powers of the Commission on POST), 13506 (authority for the Commission on POST to adopt regulations), and in order to interpret, implement and make specific Sections 13510 of the Penal Code (authority for the Commission on POST to adopt and amend rules establishing minimum standards for California law enforcement officers), proposes to

adopt, amend, or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. A public hearing to adopt the proposed regulation will be held before the full Commission on:

Date: April 23, 2003
Time: 10:00 a.m.
Place: Beach Resort Hotel
2600 Sand Dunes Drive,
Monterey, California

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Since January 1, 2002, all regular peace officers below middle management position (i.e., officers and first level supervisors) assigned to patrol, traffic or investigation, who routinely effect the physical arrest of criminal suspects, are required to complete a minimum of 14 hours of POST-certified training (Perishable Skills and Communications) as part of the CPT requirement. A minimum of 12 hours of this requirement in each two-year period shall contain skills training including a minimum of four-hours of Driver Training/Awareness or Driving Simulator. This training is interpreted to mean that the only acceptable instructional methodologies to satisfy the requirement is behind-the-wheel or driving simulator training. Classroom training has not been an acceptable methodology because the driver training perishable skills requirement was thought to be directed primarily to psychomotor and judgmental skills.

At the January 2003 meeting, the Commission directed that this issue be set for public hearing at the April meeting. In arriving at the decision to revisit this requirement, Commissioners considered a pending request for exemption due to hardship in satisfying the requirement. Also considered was the lack of empirical data attributing traffic accident causation solely to psychomotor and judgmental skills. The unknown impact of attitudinal and knowledge issues suggests that other instructional approaches should be considered.

While several alternative solutions exist, it is being recommended that Commission Regulation 1005(d)(3) and Commission Procedure D-2 be amended to allow "interactive" classroom instruction related to driver training to also satisfy the requirement. Interactive classroom instruction involves getting trainees actively involved with discussions, games, and other mechanisms rather than traditional lecture methods of instruction. Facilitated learning techniques are routinely included in most POST-certified instructor development training programs.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed action. All written comments

must be received at POST no later than April 7, 2003. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or e-mail at kobrien@post.ca.gov.

ADOPTION OF PROPOSED REGULATIONS

Following the public hearing, the Commission may adopt the proposal substantially as described in this notice or may modify the proposal if such modifications remain sufficiently related to the test as described in the Informative Digest. If the Commission makes changes to the language before adoption, the text of any modified language clearly indicated will be made available at least 15 days before the date of adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated on this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

TEXT OF PROPOSAL

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address listed at the end of this notice. This address is the location of all information considered as the basis for these proposals (rulemaking file). The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained at the address noted at the end of this notice.

ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Proposal should result in potential cost savings for local and state agencies participating in the POST Program. There are no costs/savings in federal funding to the state.

Nondiscretionary Cost/Savings to Local Agencies: Potential for cost savings for local agencies participating in the POST Program.

Local Mandate: None

Cost to Any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation change will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed amendments of Commission Regulation 1005(d)(3) and Commission Procedure D-2 will have no effect on California businesses, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation change would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affect private persons than the proposed action.

CONTACT PERSON

Inquiries concerning written material pertaining to the proposed action should be directed to Leah Cherry, Associate Governmental Program Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at leah.cherry@post.ca.gov. Inquiries concerning the substance of the proposed action/text, and the back-up contact person, should be directed to Hal Snow, Assistant Executive Director, at (916) 227-2807, fax (916) 227-2801 or e-mail at hal.snow@post.ca.gov.

INTERNET ACCESS

The Commission has posted on its Internet website (www.post.ca.gov) the information regarding this proposed regulatory action. Select "Regulation Notices" from the topics listed on the website's home page.

TITLE 11. DEPARTMENT OF JUSTICE**NOTICE OF PROPOSED RULEMAKING****PROPOSED REGULATORY ACTION**

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) proposes to amend and/or adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action. The Department proposes to amend sections 977.20, 977.43, 977.44, 977.45, 977.50 and 977.51, and adopt section 977.52 in Title 11, Division I, Chapter 12.6 of the California Code of Regulations (CCR).

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on April 7, 2003. The Department will consider only comments received by that time. Submit comments to:

Mail: Steven Teeters, Analyst
Department of Justice
Firearms Information Services Section
P.O. Box 160487
Sacramento, CA 95816-0487

or,

Email: Steven.Teeters@DOJ.CA.GOV

or,

Fax: (916) 263-0676
Attn: Steven Teeters

AUTHORITY AND REFERENCE

Pursuant to authority given by California Penal Code (PC) section 12088.1 the Department plans to adopt the proposed and make amendments to existing regulations to make specific sections 12088 through 12088.9 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Penal Code section 12088.1 requires the Department to establish exemptions from the requirement that all firearms sold or transferred include or be accompanied by a DOJ-certified firearms safety device. PC section 12088.2 requires the Department to develop regulations to implement minimum safety standards for firearms safety devices (FSD). In 2000 final regulations were adopted (Sections 977.10 through 977.90, of Title 11, of the California Code of Regulations) as required to implement the FSD law. The Department proposes to amend sections 977.20, 977.43, 977.44, 977.45, 977.50, 977.51 and adopt section 977.52. These sections relate to the safety standards for FSDs and gun safes, the development of testing standards relative to FSDs, and the establishment and maintenance of the Roster of Firearms Safety Devices Certified for Sale. The proposed regulations will provide clarification of definitions, testing standards, and establish the acceptability of a signed affidavit for qualifying "lock box" style FSDs.

977.20 (h)—Clarifies the definition of the term "Disabled" by identifying what constitutes the firing of a firearm.

977.43 (a), (c)(2)(B), (c)(3)(D)—Sets provision where DOJ-approved FSDs may be removed from the Roster of Approved Firearms Safety Devices whether the FSD was tested, or untested but approved under section 977.43 (c). Also allows DOJ to approve FSDs on a case-by-case basis without testing if they differ only superficially from FSDs that have already been DOJ-certified. Allows DOJ, as a condition of certifying untested FSDs, the option of requiring the manufacturer or dealer of the FSDs to make available a sample for evaluation.

977.44 (b), (e)—Requires FSDs to be activated immediately upon installation to ensure that the security the FSD provides is not delayed. Requires lock box style FSDs to prevent partial, or complete, removal of the firearm contained within the box. Establishes a 10-minute time period as the approximate time an FSD will be under attack with common household tools in accordance with the testing procedures (Regulations section 977.45).

977.45 (b)(7), (b)(9), (b)(12), (c)(2), (c)(4-8), (e), (e)(1)—Tests provided in this section (when applicable) should be performed on firearms that have not been disassembled. As a result of testing, an FSD that allows a single discharge, even if unsafe to do so, will fail the testing procedure. Lock box style FSDs must be tested with a small handgun inside the container, and those designed to hold long guns must be tested with a long gun inside the container. The Saw Test attacks can be applied to multiple locations on an FSD with no more than 120 cutting cycles applied to any

one specified location. At the conclusion of testing, when applicable, the screwdriver manipulation should last no more than two minutes. The Cable Cutting Test forces must be applied within a predetermined distance from the tip of the cutting blades. Use of the drill during the Plug Pulling Test is only to facilitate the insertion of the screw, and not as a means to attack the FSD. Screws, as part of the Plug Pulling Test, are to be inserted as far as possible, but not to exceed 3/4 inch insertion. FSDs that break the screw during the Plug Pulling Test will “pass” the test. Laboratory technicians may tap on the screwdriver to facilitate insertion into the keyway during the Plug Torque Test, and clockwise and/or counterclockwise torque may be applied. Lock boxes exceeding a specific size and weight are exempt from the Drop Test. Lock boxes shall contain a firearm loaded with a primed case during the Drop Test.

977.50 (b)—Allows gun safes that are certified to Underwriters Laboratories Residential Security Container rating standards by any Nationally Recognized Testing Laboratory (NRTL) to meet the gun safe standard.

977.51 (a)(2)—Allows owners of gun safes to enter “unknown” as a valid entry in the make and model fields of the Affidavit Stating Ownership of an Acceptable Gun Safe.

977.52 (a)(1-2), (b)—Adopts a definition of satisfactory evidence of “lock box” style FSD ownership as: a receipt and affidavit of ownership that is signed under penalty of perjury that identifies the lock box by make and model, states that the lock box is capable of accommodating the firearm being purchased, states that the lock box is listed on the Roster of Firearms Safety Devices Certified for Sale. Requires firearms dealers to maintain records of the affidavit/receipt for three years with the dealer’s record of sales.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Mandate on local agencies and school districts: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Significant, statewide adverse economic impact directly effecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: Less than \$200 for a DOJ-certified Test Laboratory for the estimated cost of a small handgun required by testing procedures.

Adoption of these regulations will not:

1. Create or eliminate jobs within California
2. Create new businesses or eliminate existing businesses within California; or
3. Effect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Significant effect on small businesses: Less than \$200 for a DOJ-certified Test Laboratory for the estimated cost of a small handgun required by testing procedures.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Steven Teeters, Analyst
Department of Justice
Firearms Information Services Section
P.O. Box 160487
Sacramento, CA 95816-0487
Steven.Teeters@DOJ.CA.GOV
Telephone (916) 263-0849
Fax (916) 263-0676

The backup contact person for these inquiries is:

Lesa Saville, Manager
Department of Justice,
Firearms Information Services Section
PO Box 160487
Sacramento, CA 95816-0487
Lesa.Saville@DOJ.CA.GOV
Telephone (916) 263-4868
Fax (916) 263-0676

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available, upon completion, for inspection and copying throughout the rulemaking process. Please visit www.caag.state.ca.us/firearms/regs/index.html to obtain copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the

regulations, or other information upon which the rulemaking is based. Inquiries concerning the substance of the proposed regulations may be directed to Steven Teeters.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, the DOJ may adopt the proposed regulations substantially as described in this notice. If the DOJ makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the DOJ adopts the regulations as advised. Please visit www.caag.state.ca.us/firearms/regs/index.html to obtain copies of any modified regulations. The DOJ will accept written comments on the modified regulations for 15 days after the date on which they are made available. You can obtain a written copy of the documentation by contacting Steven Teeters.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon completion, please visit www.caag.state.ca.us/firearms/regs/index.html to obtain copies of the Final Statement of Reasons. Upon completion, you can obtain a written copy of the documentation by contacting Steven Teeters.

**TITLE 14. FISH AND
GAME COMMISSION**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, and 240, of the Fish and Game Code and to implement, interpret or make specific sections 200, 205 and 206 of said Code, proposes to amend Section 7.00, Title 14, California Code of Regulations, relating to Inland Coho Salmon Sport Fishing Regulations.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Current regulations prohibit the take of silver (coho) salmon in any waters of the State. The intent of this regulation is to protect federally Threatened coho salmon in native anadromous waters. The current regulation inadvertently prohibits the take of a domestic strain of coho salmon stocked in Lakes Oroville under the management of the Department's Inland Salmon Program. This program provides for enhanced trout-type fisheries in selected lakes and reservoirs. Lake Oroville, has been recently stocked with a domesticated strain of coho salmon that are

resistant to a disease that has affected other salmonids stocked in the lake. Coho salmon are expected to provide quality fishing opportunities in Lake Oroville not achievable with other salmonid species. No other lakes or reservoirs within the State currently contain stocked domestic coho salmon.

The Department is proposing to amend Section 7.00 to clarify that coho salmon may not be taken from any water of the State, except Lake Oroville. This proposed regulation change would have no effect on current protections or recovery efforts of coho salmon in native habitats throughout the State.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor's Chambers, Administration Building, 2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Riverside Marriott, 3400 Market Street, Riverside, Ca, on May 8, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before May 1, 2003, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than May 8, 2003, at the hearing in Riverside. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Dr. Ed Pert, Department of Fish and Game, (916) 445-3616 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov_fg.comm

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days

prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Current regulations prohibit the take of silver (coho) salmon in any waters of the State. The intent of this regulation is to protect federally Threatened coho salmon in native anadromous waters. The current regulation inadvertently prohibits the take of a domestic strain of coho salmon stocked in Lakes Oroville under the management of the Department's Inland Salmon Program. This program provides for enhanced trout-type fisheries in selected lakes and reservoirs. Lake Oroville, has been recently stocked with a domesticated strain of coho salmon that are resistant to a disease that has affected other salmonids stocked in the lake. Coho salmon are expected to provide quality fishing opportunities in Lake Oroville not achievable with other salmonid species. No other lakes or reservoirs within the State currently contain stocked domestic coho salmon
The Department is proposing to amend Section 7.00 to clarify that coho salmon may not be taken from any water of the State, except Lake Oroville. This proposed regulation change would have no effect on current protections or recovery efforts of coho salmon in native habitats throughout the State.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Section 791.7, form FG OSPR-1972, and Sections 870.15 through 870.21 in Subdivision 4, Title 14 of the California Code of Regulations (CCR). These sections and the form pertain to Certificates of Financial Responsibility and the Oil Spill Prevention and Administration Fund Fee.

PUBLIC HEARINGS

Public hearings have been scheduled at which any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearings will continue until all testimony is completed, and will be held as follows:

NORTHERN CALIFORNIA

Tuesday, April 15, 2003
Bay Model Visitor's Center
2100 Bridgeway
Sausalito, California
10am

SOUTHERN CALIFORNIA

Thursday, April 17, 2003
Port of Long Beach Administration Building
925 Harbor Plaza, 6th Floor Board Room
Long Beach, California
10am

Pre-hearing registration will be conducted just prior to each hearing. Those registered will be heard in the order of their registration. Anyone else wishing to speak at the hearings will be afforded such opportunity after those registered have been heard. The time allowed for each person to present oral testimony may be limited if a substantial number of people wish to speak.

Individuals presenting oral testimony are requested, but not required, to submit a written copy of their statements. The hearings will be adjourned immediately following the completion of the oral testimony.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on April 17, 2003, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals—with changes clearly indicated—will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.39(b) grants the Administrator the authority to adopt regulations to implement Article 6, which establishes the Oil Spill Prevention and Administration Fund. Government Code Section 8670.37.54(b) grants the Administrator the authority to adopt regulations governing policy or other contractual terms, conditions or defenses which are necessary or which are unacceptable in establishing evidence of financial responsibility. As amended by SB 849 (Chapter 514, Statutes of 2002): Government Code Section 8670.40(a) raises the maximum fee that can be charged by OSPR on each barrel of oil and petroleum products entering California over or through State marine waters by 1 cent per barrel, from 4 cents to 5 cents; Government Code Section 8670.41(a) authorizes the Administrator to charge up to \$2,500, to be collected with each nontank vessel Certificate of Financial Responsibility application, and; Government Code Section 8670.41(b) allows for a reduced fee for nontank vessels which pose a reduced risk of pollution. Therefore, these regulations implement, interpret, and make specific Government Code Sections 8670.37.54, 8670.39, 8670.40, and 8670.41.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act, see Government Code Sections 8574.1 through 8670.72, and Public Resources Code Sections 8750 through 8760) created a comprehensive state oil spill program for marine waters. The law expanded the authority, responsibilities and duties of the Department of Fish and Game under the direction of the Administrator of the Office of Spill Prevention and Response (OSPR). Government Code Section 8670.6 provides authority for the establishment of the OSPR which contains staff to assist the Administrator in performing the duties specified in the Act.

Under existing law the Administrator is authorized to collect a fee sufficient to carry out the purposes of the Act. The fee, initially established in statute at up to 4¢ per barrel, is applied to oil and petroleum products entering the State through, across or in State marine waters.

SB 849 (Chapter 514, Statutes of 2002) authorized a 1¢ increase to the maximum fee that can be charged by OSPR on each barrel of oil and petroleum products entering California over or through State marine waters. The one-penny per barrel increase will help OSPR solidify and move forward with administrative programs which had been negatively impacted by previous budget adjustments.

As SB 849 provides in Government Code Section 8670.40(a): "The State Board of Equalization shall collect a fee in an amount determined by the Administrator to be sufficient to carry out the purposes set forth in Subdivision (e), and a reasonable reserve for contingencies. The annual assessment may not exceed five cents (\$0.05) per barrel of crude oil or petroleum products." The Administrator has determined that the five cents (\$0.05) per barrel assessment is necessary to carry out the purposes set forth in the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. Setting the fee at five cents (\$0.05) per barrel will also provide for a reasonable reserve for possible contingencies.

Government Code Section 8670.41, as provided in SB 849, states: "The Administrator shall charge a nontank vessel owner or operator a reasonable fee, to be collected with each application to obtain a certificate of financial responsibility, in an amount that is based upon the Administrator's costs in implementing this chapter relating to nontank vessels. Before January 1, 2005, the fee shall be . . . \$2,500, or less". The legislation also allows the fee to be reduced for nontank vessels which pose a reduced risk of pollution. The proposed regulations contain such a provision, based on the oil carrying capacity of the nontank vessel.

In summary, this regulatory action is necessary to:

1. Implement a 1¢ increase, from 4 cents to 5 cents, to the maximum fee that can be charged by OSPR on each barrel of oil and petroleum products entering California over or through State marine waters.
2. Implement a \$2,500 fee to be paid by nontank vessel owner/operators every two years, to coincide with their COFR application submittal.
3. Develop reduced fees for "smaller" nontank vessels as described.
4. Make corresponding changes to the COFR Application for Nontank Vessels (FG OSPR-1972(1/03)).

Amendments have already been implemented through an emergency rulemaking (OAL File #02-1113-01 ER) that went into effect on January 1, 2003 (the effective date of the enabling legislation) to increase funding to enable OSPR to carry out currently unfunded mandates, enhance OSPR's very successful unannounced drill program and provide for a prudent reserve for the Oil Spill Prevention and Administration Fund. This rulemaking is a follow-up to that emergency action.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.54

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.54, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses: The economic impact to the consumer will likely be negligible. According to figures published by the California Energy Commission, crude oil price fluctuations cause a change of about 2.5¢ per gallon in the crude cost for gasoline for every \$1.00 per barrel change in crude oil cost. Given the Energy Commission numbers, imposition of the 1¢ per barrel increase would arguably only have a \$0.0005 impact on the price of a gallon of gas. Even if 100% of the fee was passed on to the consumer, they would pay an extra penny for every 20 gallons of gasoline purchased. This would obviously not have a discernable effect on the per gallon price of gasoline for the consumer. Similarly, the biennial nontank vessel fee of either \$2,500, \$1,500 or \$500, depending on the oil carrying capacity of the nontank vessel, would have a minimal impact on the affected nontank vessel industry.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of

California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

<http://www.dfg.ca.gov/Ospr/regulation/regulation.html>

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Bud Leland ((916) 323-4649), at the above address.

TITLE 15. BOARD OF CORRECTIONS

STANDARDS AND TRAINING OF LOCAL CORRECTIONS AND PROBATION OFFICERS

Notice is hereby given that the Board of Corrections, ("Board") Standards and Training for Corrections (STC) Program, pursuant to the authority vested by Sections 6035–6036 of the Penal Code, proposes to adopt, amend, or repeal regulations in Sections 100–358 of Subchapter 1, Title 15 of the California Code of Regulations. Any person may present statements or arguments (verbally or in writing) relevant to the proposed regulations.

PUBLIC HEARINGS

The Board of Corrections held public hearings on the proposed action on the dates, times, and locations listed below.

October 29, 2002 at 10:00 a.m.
Los Angeles County Sheriff's Department
450 Bauchet Street
Los Angeles, CA 90012

November 20, 2002 at 10:00 a.m.
Board of Corrections
600 Bercut Drive (Bldg 660)
Sacramento, CA 95814

At the public hearings the Board did not receive any public comments on the proposed *Standards and Training of Local Corrections and Probation Officers*. The public hearings remained opened for hour after opening. Any interested persons, or their authorized representative, were also invited submit written comments, (if any) relevant to the proposed regulatory action to the Board of Corrections. The proposed (non-substantive) regulatory changes to Title 15 can be were open for review at the Board of Corrections' Website (www.bdcorr.ca.gov). Persons, who did not have access to the Internet, were encouraged to appear in person, or submit a written request to:

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held."

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on April 7, 2003**. The Board will consider only comments received at the Board by that time. The Board may adopt the proposal substantially as set forth without further notice, or may modify the proposals if such modifications remain sufficiently related to the text as described in the Informative Digest. If a sufficiently related change is made by the Board, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, will be made available to all persons who request notification from the Board for at least 15 days before the Board adopts, amends, or repeals the resulting regulation. Send requests to modify text to the contact person designated in this Notice.

AUTHORITY AND REFERENCE

The California Penal Code Sections 6035–6036 gives the Board of Corrections statutory authority to

adopt and implement the proposed regulations to establish minimum selection and training standards of local corrections and probation officers.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Title 15, Division 1, Chapter 1, Subchapter 1

Current law provides for the Board to establish minimum selection and training standards of local corrections and probation officers.

The Board proposes to adopt sections 100–358 of Subchapter 1, Title 15 of the California Code of Regulations (CCR). These sections establish minimum training standards for local corrections statewide. Pursuant to these mandates of Sections 6035 and 6036 of the Penal Code, the Board of Corrections has conducted a limited review and evaluation of these regulations. The proposal to adopt, amend or repeal certain sections will effect:

ARTICLE 1. GENERAL PROVISIONS

Section 100—Introduction: Non-substantive change (language clarity). This section includes an editorial change, to clarify selection and training needs.

Section 102—Definitions: Non-substantive change (language clarity). This section clarifies “Detention Facility Manager” position as it relates to adult and juvenile facilities.

ARTICLE 2. MINIMUM STANDARDS FOR SELECTION

Section 130—Purpose of Article: Non-substantive change (language clarity). This section adds clarifying language about “raising the level competence” for entry-level positions of probation officers, juvenile, and adult corrections officers.

Section 131—Minimum Selection Standards: Non-substantive change (language clarity). This section added and or deleted clarifying language, which more clearly defines applicability of minimum selection and training standards including using an alternative selection examination, in the following paragraphs:

- (a)
- (a) (1)
- (a) (4)
- (a) (6)

This section also added new paragraphs (c) and (d)

Section 132—Counties and Cities With Existing Alternative Selection Standards: Non-substantive change (language clarity). This section is amended to delete and add language to the title, and deletes all the subparagraphs under paragraph (a).

ARTICLE 3. MINIMUM STANDARDS FOR TRAINING

Section 171—Training Courses: Non-substantive change (language clarity). This section is amended (by

adding and deleting language) to clarify the title of the Adult Corrections Officer Supplemental Core Course, which applies to participants who have previously completed a POST Basic Academy

Section 173—Probation Officer Core Course: Non-substantive change (language clarity). This section is amended to add clarifying language about the minimum instructional hours, in addition to First Aid and CPR, required for the probation officer core course.

Section 176—Juvenile Corrections Officer Core Course: Non-substantive change (language clarity). This section is amended to add clarifying language about the minimum instructional hours, in addition to First Aid and CPR, required for the juvenile corrections officer core course.

Section 179—Adult Corrections Officer Core Course: Non-substantive change (language clarity). This section is amended to add clarifying language about the minimum instructional hours, in addition to First Aid and CPR, required for the adult corrections officer core course.

Section 180—Adult Corrections Officer Supplemental Core Course: Non-substantive change (language clarity). This section is amended to clarify the title of the 56-hour Adult Correctional Officer Core Course for those participants who have previously completed a POST Basic Academy.

ARTICLE 6. CERTIFICATES OF COMPLETION OF TRAINING

Section 261—Certificates of Completion of Training: Non-substantive change (language clarity). This section is amended to add and/or delete language to clarify details on issuance of “certificates of completion” to trainees upon completion of training.

ARTICLE 7. ADMINISTRATION OF FUNDS

Section 295—Application: Non-substantive change (language clarity). This section is amended to add and/or delete clarifying language relative to the Annual Training Plan Application.

Section 299—Allocation and Use of Funds Based on Training Plan: Non-substantive change (language clarity). This section is amended to delete language related to allocation and use of funds.

Section 303—Quarterly Report: Non-substantive change (language clarity). This section is amended to add and/or delete clarifying language about the training to be reported on the Quarterly Report.

Section 305—Unused Funds: Non-substantive change (language clarity). This section is amended to clarify how participant counties or cities should liquidate program funds following the end of the fiscal year.

Section 306—Annual Financial Statement: Non-substantive change (language clarity). This section is amended to delete and/or add clarifying language about the reporting requirements related to the Annual Financial Statement.

AVAILABILITY OF RULEMAKING FILE AND DOCUMENTS

Copies of the Statement of Reasons and the exact language of the proposed action may be obtained in person or by submitting a request in writing to the contact persons designated in this Notice. The address noted for the contact persons is the location of the rulemaking file and all information considered as the basis for these proposals. The information will be maintained for inspection during the Board's normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

A copy of the Final Statement of Reasons, once it has been prepared, will be made available by the contact person listed below.

All these documents are also available on our website at www.bdcrr.ca.gov.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board of Corrections has made the following initial determinations:

Fiscal impact on public agencies including costs or savings to State Agencies or Costs/Savings to Local Agencies or cost or savings in federal funding to the state: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to Any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None.

Cost Impact on representative private persons or businesses: The Board is not aware of any costs impacts that a representative private person or business would necessarily incur in reasonable compliance with proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California

Significant effect on housing costs: None

Declaration Relating to Impact on all California Businesses: The Board, in the development of the proposed regulation, has assessed the potential for significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in

other states, and has found that the proposed amendment of Title 15, Sections 100–358, will have no effect. This finding was based on the determination that the proposed amendment to Title 15 does not apply to businesses.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment of Title 15, Sections 100–358 of the regulations do not affect small businesses. This finding was based on the determination that the proposed amendment to Title 15 does not apply to small businesses.

CONSIDERATION OF ALTERNATIVES

In order to take this action, the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to the following staff:

Primary

Nathaniel Reed, Field Representative
Standards and Training for Corrections (STC)
600 Bercut Drive
Sacramento, CA 95814
(916) 324-2878
Email: nreed@bdcrr.ca.gov.

Backup

Wayne Landberg, Field Representative
Standards and Training for Corrections (STC)
600 Bercut Drive
Sacramento, CA 95814
(916) 323-6152
Email: wlandberg@bdcrr.ca.gov

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on April 7, 2003.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the

board. The request must be received in the board office no later than 5 p.m. on Monday, March 24, 2003.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 125.9, 148, 685 and 4005 of the Business and Professions Code and Section 56.36 of the Civil Code, and to implement, interpret or make specific Sections 125.9, 148 and 685 of said Code and Section 56.36 of the Civil Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 125.9 authorizes the board to establish by regulation, a system for issuing citations and fines up to \$2,500 for violations of the Pharmacy Law (Business and Professions Code 4000 et seq.) and any regulations adopted pursuant thereto.

Business and Professions Code Section 148 authorizes the board to establish by regulation, a system for issuing citations and fines for up to \$2,500 to persons who act in the capacity of a licensed person under the jurisdiction of the board without benefit of a license (i.e., unlicensed practice).

Business and Professions Code Section 685 permits the board to issue a citation and fine to any currently licensed health care practitioner that defaults on specified student loans.

Business and Professions Code Section 4005 authorizes the board to amend rules and regulations pertaining to the practice of pharmacy.

Business and Professions Code Section 4067 authorizes the board to issue a citation with a fine of up to \$25,000 per violation for dispensing a dangerous drug or dangerous device over the internet when the person knew or reasonably should have known the prescription was not based on a good faith medical examination.

Business and Professions Code Section 4127.4 authorizes the board to issue a citation with a fine of up to \$2,500 per occurrence for violations relating to the compounding of sterile injectable drug products.

Civil Code Section 56.36 authorizes the board to issue citations and fines for up to \$250,000 to its licensees for violation of the Confidentiality of Medical Information Act (Civil Code 56 et seq.).

1. Amend Section 1775

This proposal would delete references to a committee of the board and instead requires the executive officer or his/her designee to issue citations, and would specify the violations that are subject to a citation.

2. Adopt Section 1775.1

This proposal would:

- a. Specify the maximum fine permitted for specified violations;
- b. Specify that failure to pay a fine within 30 days may result in disciplinary action against the licensee.
- c. Require that when a fine is not paid, the amount of that fine is added to the renewal fee for that license and that the license cannot be renewed without payment of the renewal fee and fine.

3. Repeal Section 1775.15

This section is being repealed because the proposed regulation would require the Executive Officer or his/her designee to issue all citations.

4. Amend Section 1775.2

This section is being amended to delete provisions incorporated in other sections relating to the issuance of citations and the dollar value limitation on fines and to delete reference to a committee of the board as the issuing entity.

5. Amend Section 1775.3

This section is being amended to increase clarity and to delete language incorporated in 1775.1.

6. Amend Section 1775.4

This section is amended to update obsolete references and to replace board inspectors and board members with the executive officer and his/her designee. The section is also amended to make clarify changes and to require that an office conference be held within 30 days of a request.

7. Repeal Sections 1777–1777.5 and 1778–1778.3)

These sections are being repealed because the provisions of these sections have been consolidated in prior sections.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board of Pharmacy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Pharmacy has determined that the proposed regulations would not affect small businesses. The proposed regulations affect internal board operations and would have no effect on small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Pharmacy at

400 R Street, Suite 4070, Sacramento, California 95814, or from the Board of Pharmacy website (www.pharmacy.ca.gov).

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Paul Riches
Address: 400 R Street, Suite 4070
Sacramento, CA 95814

Telephone No.: (916) 445-5014 x 4016
Fax No.: (916) 327-6308
E-Mail Address: Paul_Riches@dca.ca.gov

The backup contact person is:

Name: Virginia Herold
Address: 400 R Street, Suite 4070
Sacramento, CA 95814
Telephone No.: (916) 445-5014 x4005
Fax No.: (916) 327-6308
E-Mail Address: Virginia_Herold@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.pharmacy.ca.gov.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, Sacramento California, at 1:30, on April 29, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on April 7, 2003 or must be received by the Board of Pharmacy at the hearing. The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are

sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 4005 and 4127 of the Business and Professions Code, and to implement, interpret or make specific Sections 4005 of said Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations substantially revise and update existing board regulations relating to the compounding of sterile injectable drug products. The board is required to develop such standards by Senate Bill 293 (Chapter 827, Statutes of 2001) as the standard for licensure of sterile injectable compounding pharmacies. The proposed regulations establish standards for compounding sterile injectable drug products (including injectables) based on the board's rulemaking authority in Business and Professions Code 4005. Section 4005 states in pertinent part,

"The board may adopt rules and regulations, not inconsistent with the laws of this state, as may be necessary for the **protection of the public**. Included therein shall be the right to adopt rules and regulations as follows: . . . pertaining to the **practice of pharmacy**; relating to the sanitation of persons and establishments licensed under this chapter; pertaining to **establishments wherein any drug or device is compounded**, prepared, furnished, or dispensed; **providing for standards of minimum equipment** for establishments licensed under this chapter. . . ." (emphasis added)

The board has proposed these regulations to fulfill the requirements of Senate Bill 293. The proposed regulations were drafted to establish a minimum standard that is consistent with patient safety and good pharmacy practice. The proposed regulations preserve patient access to compounded sterile injectable drug products.

1. Amend Section 1751

This proposal would revise and update existing law relating to the maintenance of the compounding environment for the compounding of sterile injectable drug products.

2. Adopt Section 1751.01

This proposal would specify facility and procedure requirements for pharmacies compounding sterile injectable drug products from one or more non-sterile ingredients.

3. Adopt Section 1751.02

This proposal would specify the written policies and procedures required for pharmacies compounding sterile injectable drug products.

4. Amend Section 1751.2

This proposal would revise and update the labeling requirements for sterile injectable drug products compounded in a pharmacy.

5. Amend Section 1751.3

This proposal would revise and update the record keeping requirements for sterile injectable drug products compounded in a pharmacy both for dispensing to directly to patients or compounded for future use.

6. Amend Section 1751.4

This proposal would revise and update the requirements for protective clothing worn when compounding sterile injectable drug products in a pharmacy.

7. Amend Section 1751.5

This proposal would revise and update the training requirements for the pharmacy staff compounding sterile injectable drug products and the patients receiving those products.

8. Amend Section 1751.6

This proposal would revise and update the requirements for disposing of waste material associated with the compounding of sterile injectable drug products.

9. Amend Section 1751.7

This proposal would revise and update the quality assurance requirements for pharmacies compounding sterile injectable drug products.

10. Repeal Section 1751.8

This proposal would repeal this section because its provisions have been incorporated in a prior section.

11. Amend Section 1751.9

This proposal would revise and update the reference materials required for pharmacies compounding sterile injectable drug products.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Potential costs vary based on the number of governmental pharmacies that perform sterile compounding activities, the existing facilities

and equipment at those pharmacies, and the nature of the sterile compounding activities required at those pharmacies. Potential costs of approximately \$30,000 per sterile compounding pharmacy for facility upgrades may be incurred if the pharmacy elects to compound sterile injectable drug products from non-sterile ingredients.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board of Pharmacy has made an initial determination that the adoption of this regulation may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following types of businesses would be affected:

- (A) Pharmacies
- (B) Hospitals

The following reporting, recordkeeping or other compliance requirements are projected to result from the proposed action:

- (A) Additional recordkeeping requirements for pharmacies compounding sterile injectable drug products from non-sterile ingredients.
- (B) Additional facility requirements for pharmacies compounding sterile injectable drug products from non-sterile ingredients.
- (C) Additional training and testing requirements for pharmacies compounding sterile injectable drug products from non-sterile ingredients.

The Board of Pharmacy has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals. Submissions may include the following considerations:

- (A) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (B) Consolidation or simplification of compliance and reporting requirements for businesses.
- (C) The use of performance standards rather than prescriptive standards.
- (D) Exemption or partial exemption from the regulatory requirements for businesses.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board of Pharmacy are those costs associated with additional training, testing and facility requirements for pharmacies compounding sterile injectable drug products from non-sterile ingredients.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Pharmacy has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814, or from the Board of Pharmacy website (www.pharmacy.ca.gov).

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments, including substantive questions, concerning the proposed rulemaking action may be addressed to:

Name: Paul Riches
 Address: 400 R Street, Suite 4070
 Sacramento, CA 95814
 Telephone No.: (916) 445-5014 x 4016
 Fax No.: (916) 327-6308
 E-Mail Address: Paul_Riches@dca.ca.gov

The backup contact person is:

Name: Virginia Herold
 Address: 400 R Street, Suite 4070
 Sacramento, CA 95814
 Telephone No.: (916) 445-5014 x 4005
 Fax No.: (916) 327-6308
 E-Mail Address: Virginia_Herold@dca.ca.gov

Wehbsite Access: Materials regarding this proposal can be found at www.pharmacy.ca.gov.

**TITLE 16. MEDICAL BOARD
OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held in the Board's Greg Gorges Conference Room, 1426 Howe Ave, Suite F, Sacramento, California, at 10:00 am on April 25, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Medical Board of California at its office not later than 5:00 p.m. on April 7, 2003 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2018 and 2154.6 of the Business and Professions Code, and to implement, interpret or make specific Sections 2154 through 2154.7 of said Code, the Medical Board of

California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Proposed Adoption of Article 3.1 (Section 1313.01 to 1313.06) in Chapter 1 of Division 13 of Title 16, CCR

Existing law (AB 982, Chap. 1131, Statutes of 2002), among other things, creates the California Physician Corps Loan Repayment Program. This new program encourages recently licensed physicians who are linguistically and culturally competent to practice in underserved locations in California by authorizing a plan for repayment of up to \$105,000 of their educational loans in exchange for their service in designated medically underserved areas for a minimum of three years. The Medical Board of California will make available \$3 million to fund the program. The Division of Licensing of the Medical Board of California is responsible for implementing this program.

1. Section 1313.01—This section would set forth the definitions to be used in implementing the loan repayment program.
2. Section 1313.02—This section would set forth the guidelines to be used in selecting the awardees of the loan repayment.
3. Section 1313.03—This section would set forth the application and application process.
4. Section 1313.04—This section would set forth the timeline, as required by the Permit Reform Act, by which the Division of Licensing must inform the applicant if the application is complete or deficient and the must inform the applicant of the final decision on the application.
5. Section 1313.05—This section would establish the process and penalties when a program participant is unable to complete the contractual obligations, including various time frames for notification by either the program participant or the Division of Licensing.
6. Section 1313.06—This section would create the process under which a program participant who has left the program can be reinstated into the program.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: These proposed regulations will not impose any costs or savings to any State agency since these regulations only comprise the technical and administrative frame work for a program created in law.

Nondiscretionary Costs/Savings to Local Agencies:
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: none

Impact on Jobs/New Businesses: The Medical Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Medical Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Medical Board of California has determined that the proposed regulations would not affect small businesses. These proposed regulations implement a loan repayment program for individuals, not businesses.

CONSIDERATION OF ALTERNATIVES

The Medical Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the website listed below.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the person designated in this Notice under Contact Person or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments, including substantive questions, concerning the proposed administrative action may be addressed to:

Name: Kevin A. Schunke
Address: Medical Board of California
1430 Howe Ave, Suite 92
Sacramento, CA 95825
Telephone: (916) 263-2368
Fax: (916) 263-2387
e-mail: kschunke@medbd.ca.gov

The backup contact person is:

Name: Linda Whitney
Address: Medical Board of California
1430 Howe Ave, Suite 92
Sacramento, CA 95825
Telephone: (916) 263-2389
Fax: (916) 263-2387
e-mail: lwhitney@medbd.ca.gov

Website Access: Materials regarding this proposal can be found at www.medbd.ca.gov.

**TITLE 16. SPEECH-LANGUAGE
PATHOLOGY AND
AUDIOLOGY BOARD**

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology Board is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may

request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 7, 2003. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2531.95 and 2532.6(a) of the Business and Professions Code, and to implement, interpret or make specific Sections 163.5, 2532.6(f) and 2534.2 of said Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Speech-Language Pathology and Audiology ("Board") is authorized by Business and Professions Code Section 2531.95 to adopt regulations necessary to implement the Speech-Language Pathology and Audiology Licensure Act.

Business and Professions Code Section 2534.2(j) provides the Board the authority to charge for the issuance of a license status and history certification letter in an amount not to exceed twenty-five dollars.

The proposed adoption of Section 1399.157(e) will establish the fee for issuance of a license status and history certification letter in the amount of \$10.00.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the

ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are: \$10.00 for each request for issuance of a license status and history certification letter. The fee will provide the Board the necessary funding to process the request and to issue the license status and history certification letter.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses as this proposed regulatory action would only affect individuals requesting a license status and history certification letter.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations at the board address provided under the contact information below.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Speech-Language Pathology and Audiology Board at 1422 Howe Avenue, Suite 3, Sacramento, California, 95825.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Candace Raney, Board Analyst
Address: 1422 Howe Avenue, Suite 3
Sacramento, CA 95825
Telephone No.: (916) 263-2666
Fax No.: (916) 263-2668
E-Mail Address: Candace_Raney@dca.ca.gov

The backup contact person is:

Name: Annemarie Del Mugnaio,
Executive Officer
Address: 1422 Howe Avenue, Suite 3
Sacramento, CA 95825
Telephone No.: (916) 263-2666
Fax No.: (916) 263-2668
E-Mail Address: Annemarie_DelMugnaio@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.slpab.ca.gov.

**TITLE 17. DEPARTMENT OF
HEALTH SERVICES**

ACTION

Notice of Emergency Rulemaking

SUBJECT

Requirements for the Use of X-ray in
Mammography (R-17-01E)

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on April 7,

2003, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number R-17-01E:

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Phillip Scott of the Radiologic Health Branch at (916) 324-3727.
3. All other inquiries concerning the action described in this notice may be directed to Charles E. Smith of the Office of Regulations at (916) 657-0730, or to the designated backup contact person, Allison Branscombe, at (916) 657-0692.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Radiation Control Law (Health & Saf. Code, § 114960 et seq.) authorizes the Department of Health Services (Department) to promulgate regulations regarding sources of ionizing radiation for the protection of the health and safety of the public and radiation workers. The Radiologic Technology Act (Health & Saf. Code, §§ 106965 through 107111 and 114840 through 114896) authorizes the Department to promulgate radiologic technology certification regulations prescribing standards of education, training and experience for individuals who expose humans to X-rays. Health and Safety Code sections 107150 through 107175 authorize the Department to establish standards of competence for individuals practicing nuclear medicine technology. The Mammography Quality Assurance Act of 1992 (Stats. 1992, ch. 870) requires the Department to adopt registration and

certification requirements for mammography equipment. (Health & Saf. Code, § 115060 subd. (e).) Finally, section 100275 of the Health and Safety Code authorizes the Department to promulgate regulations to carry out its duties. The regulations that implement, interpret and make specific the provisions of the Radiation Control Law, Radiologic Technology Act, Mammography Quality Assurance Act of 1992 and nuclear medicine technology laws are in title 17, California Code of Regulations, sections 30100 through 30543.

In 1993, the President of the United States signed into law the Mammography Quality Standards Act of 1992 (MQSA) [Pub.L. No. 102-539]. The U.S. Food and Drug Administration (FDA) issued interim regulations (58 Fed.Reg. 67558 (Dec. 21, 1993), amended by 59 Fed.Reg. 49808 (Sep. 30, 1994)) to implement the MQSA. Those regulations established congressionally mandated uniform, national quality standards for mammography. MQSA requires that, to provide mammography services after October 1, 1994, persons providing such services be accredited by an approved accreditation organization and obtain a certificate from the Secretary of Health and Human Services. MQSA was reauthorized as the Mammography Quality Reauthorization Standards Act of 1998 [Pub.L. No. 105-248]. Since that reauthorization, the FDA has issued final regulations (62 Fed.Reg. 55852 (Oct. 28, 1997), amended by 63 Fed.Reg. 56555 (Oct. 22, 1998) and 64 Fed.Reg. 32404 (Jun. 17, 1999)) that supercede and clarify the interim regulations. The final regulations became effective April 28, 1999 and are codified in Title 21, Code of Federal Regulations, Part 900, published on April 1, 2001.

The Department has adopted emergency regulations to establish the needed regulatory framework and system of mammogram review that complies with the federal MQSA and the California Mammography Quality Assurance Act of 1992. The emergency regulations incorporate some of the federal regulations previously referenced. For each section of the emergency regulations that incorporates a federal regulation, the explanation of the provisions of those incorporated regulations can be found in the following federal registers:

- 58 Fed.Reg. 67558 (Dec. 21, 1993)
- 59 Fed.Reg. 49808 (Sep. 30, 1994)
- 62 Fed.Reg. 55852 (Oct. 28, 1997)
- 63 Fed.Reg. 56555 (Oct. 22, 1998)
- 64 Fed.Reg. 32404 (June 17, 1999)

Specifically, the Department has adopted by emergency action the following sections in title 17, California Code of Regulations:

- (1) Section 30315.10 to define terms used in the proposed article and to clarify the requirements.
- (2) Section 30315.20 to specify that mammography can only be performed in a facility possessing a facility accreditation certificate or an interim facility accreditation certificate unless the facility is only performing interventional or research mammography. It specifies the period of time such certificates are valid.
- (3) Section 30315.22 to specify the eligibility requirements for a facility accreditation certificate.
- (4) Section 30315.23 to specify how to renew a facility accreditation certificate.
- (5) Section 30315.24 to specify the eligibility requirements for an interim facility accreditation certificate.
- (6) Section 30315.33 to specify the items needed in an application for a facility accreditation certificate.
- (7) Section 30315.34 to specify application-processing times in accordance with the Permit Reform Act.
- (8) Section 30315.35 to specify the procedure for submitting mammograms for clinical image review. Title 21, Code of Federal Regulations, sections 900.4(c)(2) and (4), as of April 1, 2001 are incorporated by reference to specify mammogram attribute and selection criteria.
- (9) Section 30315.36 to specify that facilities are subject to mammography reviews and the consequences of failure. Title 21, Code of Federal Regulations, section 900.4(c)(2), as of April 1, 2001 is incorporated by reference to specify mammogram attribute criteria.
- (10) Section 30315.50 to specify the requirements individuals must meet to be an interpreting physician. Title 21, Code of Federal Regulations, section 900.12(a)(1) as of April 1, 2001 is incorporated by reference.
- (11) Section 30315.51 to specify the requirements individuals must meet to perform mammographic examinations. Title 21, Code of Federal Regulations, section 900.12(a)(2) as of April 1, 2001 is incorporated by reference.
- (12) Section 30315.52 to specify the requirements individuals must meet to be a medical physicist. Title 21, Code of Federal Regulations, section 900.12(a)(3), as published in the December 21, 1993 Federal Register (58 Fed.Reg. 67571) is incorporated by reference. Title 21, Code of Federal Regulations, section 900.12(a)(3)(iii) and (iv) as of April 1, 2001 is incorporated by reference.
- (13) Section 30315.60 to specify the eligibility requirements for an individual to be authorized

- or to renew authorization to conduct evaluations and surveys, the grounds for suspension, revocation, amendment or restriction of authorization and application processing times.
- (14) Section 30316 to specify the criteria radiation machines must meet before the machine can be used on humans for mammography.
 - (15) Section 30316.10 to specify that if a person obtains new radiation machines or film processors, repairs or replaces major components of the mammography system, repairs a film processor, changes the type of mammographic X-ray film or intensifying screens used must ensure that the specific equipment meets all applicable requirements before it is used on humans. Title 21, Code of Federal Regulations, section 900.4(c)(2) and (4), as of April 1, 2001, specifying selection and evaluation criteria for mammography reviews are incorporated by reference.
 - (16) Section 30316.20 to specify quality assurance tests that must be performed, when the tests must be performed and by whom. It further specifies that, when a specific test fails, corrective actions must be taken within a specific period of time.
 - (17) Section 30316.22 to specify what commercially produced mammography phantoms can be used in quality assurance testing and the criteria used to evaluate unlisted phantoms.
 - (18) Section 30316.30 to specify the protocol used to determine if a mammography system meets the specified criteria.
 - (19) Section 30316.40 to require that phantom images used to determine if the mammography system can produce quality images be processed in the processor used to process mammograms.
 - (20) Section 30316.50 to specify what information must be on each mammogram.
 - (21) Section 30316.60 to specify what must be included in the annual medical physicist report, when the facility must obtain the report and criteria for when the facility must be notified of major deficiencies.
 - (22) Section 30316.61 to specify that equipment used by the medical physicist must be calibrated at specific intervals and maintained pursuant to manufacturing specifications.
 - (23) Section 30317 to specify additional requirements facilities must meet.
 - (24) Section 30317.10 to specify that each facility must have a mammography quality assurance program, that the program must be reviewed every six months and include specified documents.
 - (25) Section 30317.20 to specify that each facility must have a quality assurance manual that identifies certain individuals and what documents must be contained in the manual.
 - (26) Section 30317.30 to specify that each facility must have a mammography procedures manual that provides facility staff with the procedures and policies pertaining to the performance of mammography. With reference to procedures for ensuring the mammography equipment is disinfected after contact with blood or other potentially infectious material, Title 29, Code of Federal Regulations section 1910.1030 as of July 1, 2001 is incorporated by reference. An explanation of the provisions for the regulations are found in the October 28, 1997 publication of the Federal Register (62 Fed.Reg. 55852). Additional explanation is found in FDA's Policy Guidance Help System as of May 22, 2001 under the keyword "infection control."
 - (27) Section 30317.40 to specify what information must be on the written report of the results of each mammographic examination, when those reports must be submitted and to whom.
 - (28) Section 30317.50 to specify that each facility must maintain mammograms and interpretation reports and for how long. It also specifies that the facility, when requested by the patient or on behalf of the patient, must transfer the original mammogram to another facility or to the patient directly.
 - (29) Section 30317.60 to require that each facility to collect and review outcome data for all positive mammograms, including follow-up on the disposition of positive mammograms and to correlate them with pathology reports. It also requires a facility to perform specified reviews at least once every 12 months.
 - (30) Section 30317.70 to require a facility to establish a written procedure for collecting and resolving consumer complaints, maintain a record of all consumer complaints, provide the procedure to a consumer and report, to the Department, unresolved serious complaints within 30 days of receiving the complaint.
 - (31) Section 30318.10 to specify additional requirements for approved mobile service providers.
 - (32) Section 30318.11 to specify posting requirements for mobile service providers.
 - (33) Section 30319 to specify that a facility must notify the Department of specific items and how those notifications must be made.
 - (34) Section 30319.20 to provide the time periods a facility must maintain specific documents.

- (35) Section 30320.90 to specify the grounds for suspension, revocation, amendment or restriction of the facility accreditation certificate.

AUTHORITY

Sections 100275, 115060, and 115100, Health and Safety Code.

REFERENCE

Section 15376, Government Code; and Sections 115060, 115100, 115115, 115145, 115165, and 115215, Health and Safety Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: No fiscal impact exists.
- B. Fiscal Effect on State Government: No fiscal impact exists.
- C. Fiscal Effect on Federal Funding of State Programs: No fiscal impact exists.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: There will be no significant cost impact because private persons and businesses providing mammography already comply with the standards included in the regulations.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None, because local agencies already comply with the standards included in the regulations.

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Businesses providing mammography services already meet the standards included in the regulations.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.

- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small business.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil

Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Emergency Rulemaking Title 22,
California Code of Regulations

SUBJECT

Established Place of Business,
R-39-O1E

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice.

COMMENTS

Any written statements, arguments or contentions (hereafter referred to as comments) must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on April 7, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate.

Comments may be transmitted by email (regulation@dhs.ca.gov), through the "Making Comments" link on the Department website at <http://www.dhs.ca.gov/regulation/>, by regular mail, or by FAX to (916) 657-1459. Comments must be received before 5:00 p.m. on April 7, 2003, the close of the written comment period. All comments, including email, website, or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for emergency changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-39-O1E.

Materials regarding the emergency regulations (including this public notice, the emergency regulations, and the Initial Statement of Reasons) that are

available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/> and then by clicking on the "Search Regulations" button.

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or send an email to: regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Joyce Dowell of Provider Enrollment Branch at (916) 255-6004.
3. All other inquiries concerning the action described in this notice may be directed to Marylyn Willis, R.N. of the Office of Regulations at (916) 657-3174, or to the designated backup contact person, Allison Branscombe, at (916) 654-0381.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This is one of a series of regulatory actions necessary to amend recently adopted regulations that implemented legislation enacted in Fiscal Year 1999/2000. Assembly Bill (AB) 1107 (Chapter 146, Statutes of 1999) added Article 1.3 (commencing with Section 14043) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code. Amendments to Article 1.3 were also made by AB 1098 (Chapter 322, Statutes of 2000). Among other provisions, these bills allowed the Department to strengthen participation requirements for new providers, and to require existing Medi-Cal providers to re-enroll in the program, to ensure that each provider meets current eligibility, disclosure and participation standards of the program. These laws were enacted to address fraud and abuse in the Medi-Cal program.

In conformity with federal Medicaid law, several sections were amended and one section added for inclusion in Title 22, California Code of Regulations, to implement relevant parts of AB 1107 and AB 1098. These changes allow the Department to further establish the validity of a provider, provide better protection for the beneficiary, and ensure appropriate use of state reimbursements to Medi-Cal providers.

These emergency regulations add additional information to the application that must be submitted to the Department by new providers who want to participate in the Medi-Cal program, or existing providers applying for continuing enrollment in the program. Providers will be required to demonstrate they are operating an established place of business, and following standard business practices, such as carrying

insurance. It has been determined that providers who cannot demonstrate they are operating an established place of business are more likely to commit Medi-Cal fraud. The enactment of these new regulations will allow the Department to deny approval to those applicants whose business practices do not meet the new standards.

These regulations amended the following forms, which are incorporated by reference:

- “California Medical Assistance Program (Medi-Cal) Provider Agreement,” DHS 6208 (Rev. 9/02).
- “Medi-Cal Physician Application/Agreement,” DHS 6210 (Rev. 9/02).

Specifically, this regulatory action:

1. Amended Section 51000.4 to add that a cellular phone shall not be used as the primary business telephone.
2. Amended Section 51000.30 to add requirements that:
 - (a) physicians disclose information related to their hospital privileges;
 - (b) providers show evidence of
 - Worker’s Compensation insurance (as required by state law),
 - comprehensive liability insurance, and
 - professional liability insurance (for specified providers);
 - (c) providers follow certain procedures when specific changes in their businesses occur, or risk being temporarily suspended from the Medi-Cal program.
3. Amended Section 51000.45 to reflect the new revision dates for the “Medi-Cal Provider Agreement,” and the “Medi-Cal Physician Application/Agreement.”
4. Amended Section 51000.50 to add application review criteria that providers must meet to participate in the Medi-Cal program, including that applicants or providers:
 - (a) have paid all fines and debts due to government health care programs;
 - (b) disclose any involvement in investigations or convictions regarding fraud and abuse;
 - (c) correct any discrepancies in background checks or onsite visits;
 - (d) meet all new requirements for having an established place of business;
 - (e) submit required information within specific time limits or start over with a new application;
 - (f) are prevented from re-enrolling in the Medi-Cal program for specified reasons and for specified periods of time.
5. Amended Section 51000.55 to clarify that mandatory re-enrollment of all providers in a specific

provider of service category or subgroups of such categories shall be done by the Department when necessary to safeguard public funds, to protect the fiscal integrity of the Medi-Cal program, or to prevent harm to Medi-Cal beneficiaries.

6. Amended Section 51200 to add that applicants or providers must meet and maintain compliance with requirements of new Section 51200.01 (standards for an established place of business).
7. Adopted Section 51200.01 to define “Established Place of Business,” and each of the components that must be met, including
 - (a) being in operation at the time the application is submitted;
 - (b) having sufficient start up capital and income to sustain a business;
 - (c) owning the building or signing a lease agreement;
 - (d) having adequate stock and office equipment appropriate to the business;
 - (e) having regular and posted hours of operation;
 - (f) being readily identifiable as a healthcare business;
 - (g) obtaining and maintaining insurance in specified minimum amounts; and
 - (h) being open to the public, as applicable to the business type.
8. Amended Section 51451 to prohibit providers who have applied for continuing enrollment from participating in the Medi-Cal program after their application for continuing enrollment has been denied.

AUTHORITY

Sections 10725, 14000, 14043.2, 14043.65, 14043.75, 14105, 14124.5, 14131, 14132 and 14133, Welfare and Institutions Code; Section 78, Chapter 146, Statutes of 1999; and Section 700, Insurance Code.

REFERENCE

Sections 10725, 14000, 14043.1, 14043.2, 14043.25, 14043.36, 14043.37, 14043.4 14043.6, 14043.7, 14043.75, 14123, 14124.5, 14131, 14132 and 14133, Welfare and Institutions Code; Sections 101150–101160, Health and Safety Code; Sections 1200–1327, Business and Professions Code; 26 U.S.C., Sections 6041 and 6109; 42, U.S.C., Sections 1320a–3, 1320a–7, 1396a(a)(38), 1396b(i)(2); 26, Code of Federal Regulations, Section 1.6041–2; and 42, Code of Federal Regulations, Parts 431 and 455.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: None

C. Fiscal Effect on Federal Funding of State Programs: None

D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action:

These emergency regulations require Medi-Cal providers to submit evidence of compliance with Worker's Compensation requirements of State law. The regulations also require those providers who do not already carry comprehensive liability and professional liability insurance, as applicable, to carry at least the minimum specified, as part of good business and professional practice. It is not possible to estimate an average cost as a result of these requirements, because there are too many risk management factors involved in applying the regulations to:

- the entire range of provider types (e.g., durable medical equipment providers, laboratories, physicians),
- providers who work in, own, or lease a wide variety of physical settings (e.g., retail stores open to the public, "closed door" pharmacies, medical offices), and
- providers who have different scopes of professional practices with varying risk factors (e.g., podiatrists, surgeons, speech therapists, nurse midwives).

For a non-licensed provider with no employees, a small physical plant, and no adverse claims history, the comprehensive liability cost could be less than \$1,000 per year. For other providers, it could be significantly more. These regulations do not impose onerous insurance requirements on legitimate providers to document an established place of business. For providers who borrowed the initial capital to start their Medi-Cal businesses, the insurance minimums are lower than what most commercial or private lenders require. The regulations are consistent with generally accepted business and licensed professional practices, and are necessary to conduct appropriate health care business operations.

E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which

reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small business.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (the rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more

effective in carrying out the purpose for which the action is emergency, or would be as effective and less burdensome to affected private persons, than the emergency action.

No hearing has been scheduled; however, any interested person or his or her duly authorized representative may request, in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services, by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

NOTICE OF INTENT TO ADOPT REGULATIONS REGARDING INTERPRETIVE OPINIONS

Section 1005

NOTICE IS HEREBY GIVEN

The Director of the Department of Managed Health Care (Director), pursuant to the rulemaking authority granted by section 1344 of the Health and Safety Code, proposes to implement, interpret and make specific section 1344. The proposed regulatory amendments are contained in the California Code of Regulations, Title 28, section 1005. Before undertaking the action, the Director will consider all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative may request, in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received in writing by the Department of Managed Health Care (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD/ CONTACT PERSON

Notice is also given that any interested person, or his or her duly authorized representative, may present statements or arguments relevant to the proposed action by a written communication addressed to, and received by, the Department's contact person, Lyn Amor Macaraeg, Legal Analyst, identified below

on or before 5 p.m. on **April 7, 2003**. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day. Written communications may also be sent to Lyn Amor Macaraeg via electronic mail at lmacaraeg@dmhc.ca.gov or via facsimile at (916) 322-6459. All comments, including facsimile and e-mail transmissions, should include the author's name and mailing address to enable the Department to provide future notices of proposed changes to the regulatory text.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Director licenses and regulates health care service plans (plans) under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), Chapter 2.2 (commencing with section 1340) of Division 2 of the Health and Safety Code.

Health and Safety Code section 1344 mandates that the Director have the ability to adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of the Knox-Keene Act. In addition, the Health and Safety Code vests in the Director the power to administer and enforce the Act, including but not limited to recommending and prosoing the enactment of any legislation necessary to protect and promote the interests of plans, subscribers, enrollees, and the public.

The revision to regulation section 1005 will provide clear direction for people seeking interpretive opinions from the Department. The proposed amendments will assist the public in making their requests clear and specific, enabling the Department to process requests for interpretive opinions more efficiently and accurately.

AUTHORITY

California Health & Safety Code section 1344.

REFERENCE

California Health & Safety Code sections 1344.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has prepared and has available for public review the following documents:

1. An initial statement of reasons for the amended regulation;
2. Text of the legally effective regulation; and,
3. All information upon which this proposal is based (rulemaking file).

A copy of any or all of these items is available upon request by writing to the Department of Managed Health Care, ATTN: Ms. Lyn Amor Macaraeg, Legal

Analyst, 980 9th Street, Suite 500, Sacramento, California 95814, which address will also be the location of public records, including reports, documentation, and other material related to this notice of proposed action. Additionally, a copy of the final statement of reasons (when prepared) will be available upon request by writing to the same address.

INTERNET AVAILABILITY

Materials regarding this notice of proposed action that are available via the Internet may be accessed at the following website:

<http://www.dmhc.ca.gov/library/regulations/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation. The changes will be clearly indicated. A request for a copy of any modified regulation should be addressed to the contact person designated below. The Director will accept written comments on the modified regulation for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

ALTERNATIVES CONSIDERED

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the comment period.

FISCAL IMPACT

- Cost or savings to any state agency: None.
- Cost to any local agency or school district for which Cal. Gov't Code section 17500-17630 requires reimbursement: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Costs or savings in federal funding to the state: None.
- Effect on housing costs: None.

DETERMINATIONS

The Director has determined that the proposed regulatory action:

- Has no economic impact on small businesses. Health care service plans are not a small business under Government Code section 11342.610.
- Does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code section 17500 *et seq.*
- In his initial determination and pursuant to Government Code 11346.5(a)(8), this regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Per Government Code section 11346.5(a)(10), does not significantly affect:
 - The creation of jobs in California;
 - The elimination of jobs in California;
 - The creation of new businesses in California;
 - The elimination of existing business in California;
 - The expansion of existing businesses in California.

CONTACT PERSON

Comments or inquiries concerning this proposed regulation may be directed to BRIAN J. BARTOW, Assistant Chief Counsel, or to the back up comment person, LYN AMOR MACARAEG, Legal Analyst, Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California 95814, (916) 322-6727.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

NOTICE OF POSTPONEMENT

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2003 AMENDMENTS TO THE CALIFORNIA ZERO EMISSION VEHICLE REGULATION

BY NOTICE dated December 31, 2002, and published in the January 10, 2003, California Regulatory Notice Register, Register 2003, No. 2-Z, the Air

Resources Board (the Board or ARB) announced it would conduct a public hearing to consider the adoption of the 2003 amendments to the California zero emission vehicle regulation. The hearing was scheduled for February 27, 2003, at 9:00 a.m., at the California Environmental Protection Agency, Air Resources Board, 1001 "I" Street, Auditorium, Second Floor, Sacramento, California.

PLEASE BE ADVISED that the hearing has been postponed to the following date, time and place:

DATE: **March 27, 2003**

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Auditorium, Second Floor
1001 "I" Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., March 27, 2003, and may continue at 8:30 a.m., March 28, 2003. This item may not be considered until March 28, 2003. Please consult the agenda for the meeting, which will be available at least 10 days before March 27, 2003, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board by March 13, 2003, at (916) 322-5594, or Telephone Device for the Deaf (TDD)(916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, to ensure accommodation.

PROPOSITION 65

STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY FEBRUARY 21, 2003

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS)

Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
Allyl chloride	107051	January 1, 1990
Delisted October 29, 1999	117793	October 1, 1989
2-Aminoanthraquinone	60093	January 1, 1990
p-Aminoazobenzene	97563	July 1, 1987
ortho-Aminoazotoluene	92671	February 27, 1987
4-Aminobiphenyl	81492	August 26, 1997
(4-aminodiphenyl)	6109973	July 1, 1989
1-Amino-2,4-dibromo-anthraquinone	153786	January 29, 1999
3-Amino-9-ethylcarbazole hydrochloride	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 8-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Auramine	492808	July 1, 1987	Chlordane	57749	July 1, 1988
Azacitidine	320672	January 1, 1992	Chlordecone (Kepone)	143500	January 1, 1988
Azaserine	115026	July 1, 1987	Chlordimeform	6164983	January 1, 1989
Azathioprine	446866	February 27, 1987	Chlorendic acid	115286	July 1, 1989
Azobenzene	103333	January 1, 1990	Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Benz[a]anthracene	56553	July 1, 1987	p-Chloroaniline	106478	October 1, 1994
Benzene	71432	February 27, 1987	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Benzidine [and its salts]	92875	February 27, 1987	Chlorodibromomethane	124481	January 1, 1990
Benzidine-based dyes	—	October 1, 1992	Delisted October 29, 1999	75003	July 1, 1990
Benzo[b]fluoranthene	205992	July 1, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzo[j]fluoranthene	205823	July 1, 1987	1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU)	13010474	January 1, 1988
Benzo[k]fluoranthene	207089	July 1, 1987	(Lomustine)	13010474	January 1, 1988
Benzo[ghi]perylene	271896	October 1, 1990	1-(2-Chloroethyl)-3-(4- methylcyclohexyl)-1- nitrosourea (Methyl- CCNU)	13909096	October 1, 1988
Benzo[a]pyrene	50328	July 1, 1987	Chloroform	67663	October 1, 1987
Benzotrichloride	98077	July 1, 1987	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
Benzyl chloride	100447	January 1, 1990	3-Chloro-2-methylpropene	563473	July 1, 1989
Benzyl violet 4B	1694093	July 1, 1987	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Beryllium and beryllium compounds	—	October 1, 1987	4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988
Betel quid with tobacco	—	January 1, 1990	p-Chloro-o-toluidine	95692	January 1, 1990
2,2-Bis(bromomethyl)-1,3- propanediol	3296900	May 1, 1996	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
Bis(2-chloroethyl)ether	111444	April 1, 1988	5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
N,N-Bis(2-chloroethyl)-2- naphthylamine (Chlor- napazine)	494031	February 27, 1987	Chloroprene	126998	June 2, 2000
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987	Chlorothalonil	1897456	January 1, 1989
Bis(chloromethyl)ether	542881	February 27, 1987	Chlorotrianisene	569573	September 1, 1996
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	Chlorozotocin	54749905	January 1, 1992
Bitumens, extracts of	—	—	Chromium (hexavalent compounds)	—	February 27, 1987
steam-refined and air refined	—	January 1, 1990	Chrysene	218019	January 1, 1990
Bracken fern	—	January 1, 1990	C.I. Acid Red 114	6459945	July 1, 1992
Bromate	15541454	May 31, 2002	C.I. Basic Red 9	—	—
Bromodichloromethane	75274	January 1, 1990	monohydrochloride	569619	July 1, 1989
Bromoethane	74964	December 22, 2000	C.I. Direct Blue 15	2429745	August 26, 1997
Bromoform	75252	April 1, 1991	C.I. Direct Blue 218	28407376	August 26, 1997
1,3-Butadiene	106990	April 1, 1988	C.I. Solvent Yellow 14	842079	May 15, 1998
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992
Butylated hydroxyanisole	25013165	January 1, 1990	Cidofovir	113852372	January 29, 1999
beta-Butyrolactone	3068880	July 1, 1987	Cinnamyl anthranilate	87296	July 1, 1989
Cacodylic acid	75605	May 1, 1996	Cisplatin	15663271	October 1, 1988
Cadmium and cadmium compounds	—	October 1, 1987	Citrus Red No. 2	6358538	October 1, 1989
Caffeic acid	331395	October 1, 1994	Clofibrate	637070	September 1, 1996
Captafol	2425061	October 1, 1988	Cobalt metal powder	7440484	July 1, 1992
Captan	133062	January 1, 1990	Cobalt [III] oxide	1307966	July 1, 1992
Carbazole	86748	May 1, 1996	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003	Coke oven emissions	—	February 27, 1987
Carbon tetrachloride	56235	October 1, 1987	Conjugated estrogens	—	February 27, 1987
Carbon-black extracts	—	January 1, 1990	Creosotes	—	October 1, 1988
N-Carboxymethyl-N- nitrosourea	60391926	January 25, 2002	para-Cresidine	120718	January 1, 1988
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cupferron	135206	January 1, 1988
Certain combined chemotherapy for lymphomas	—	February 27, 1987	Cycasin	14901087	January 1, 1988
Chlorambucil	305033	February 27, 1987	Cyclophosphamide (anhydrous)	50180	February 27, 1987
Chloramphenicol	56757	October 1, 1989			

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 8-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Diisopropyl sulfate	2973106	April 1, 1993
Cytembena	21739913	May 15, 1998	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
D&C Orange No. 17	3468631	July 1, 1990	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
D&C Red No. 8	2092560	October 1, 1990	Dimethyl sulfate	77781	January 1, 1988
D&C Red No. 9	5160021	July 1, 1990	4-Dimethylaminoazo- benzene	60117	January 1, 1988
D&C Red No. 19	81889	July 1, 1990	trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988
Dacarbazine	4342034	January 1, 1988	7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990
Daminozide	1596845	January 1, 1990	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
Dantron (Chrysazin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
Daunomycin	20830813	January 1, 1988	Dimethylcarbamoyl chloride	79447	January 1, 1988
DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989	1,2-Dimethylhydrazine	540738	January 1, 1988
DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987	Dimethylvinylchloride	513371	July 1, 1989
DDVP (Dichlorvos)	62737	January 1, 1989	3,7-Dinitrofluoranthene	105735715	August 26, 1997
N,N'-Diacylbenzidine	613354	October 1, 1989	3,9-Dinitrofluoranthene	22506532	August 26, 1997
2,4-Diaminoanisole	615054	October 1, 1990	1,6-Dinitropyrene	42397648	October 1, 1990
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	1,8-Dinitropyrene	42397659	October 1, 1990
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Diaminotoluene	95807	January 1, 1988	2,4-Dinitrotoluene	121142	July 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990	2,6-Dinitrotoluene	606202	July 1, 1995
Dibenz[a,h]acridine	226368	January 1, 1988	Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996
Dibenz[a,j]acridine	224420	January 1, 1988	1,4-Dioxane	123911	January 1, 1988
Dibenz[a,h]anthracene	53703	January 1, 1988	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
7H-Dibenzo[c,g]carbazole	194592	January 1, 1988	Diphenylhydantoin (Phenytion), sodium salt	630933	January 1, 1988
Dibenzo[a,e]pyrene	192654	January 1, 1988	Direct Black 38 (technical grade)	1937377	January 1, 1988
Dibenzo[a,h]pyrene	189640	January 1, 1988	Direct Blue 6 (technical grade)	2602462	January 1, 1988
Dibenzo[a,i]pyrene	189559	January 1, 1988	Direct Brown 95 (technical grade)	16071866	October 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	Disperse Blue 1	2475458	October 1, 1990
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Diuron	330541	May 31, 2002
2,3-Dibromo-1-propanol	96139	October 1, 1994	Epichlorohydrin	106898	October 1, 1987
Dichloroacetic acid	79436	May 1, 1996	Erionite	12510428	October 1, 1988
p-Dichlorobenzene	106467	January 1, 1989	Estradiol 17B	50282	January 1, 1988
3,3'-Dichlorobenzidine	91941	October 1, 1987	Estragole	140670	October 29, 1999
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Estrone	53167	January 1, 1988
1,4-Dichloro-2-butene	764410	January 1, 1990	Estropipate	7280377	August 26, 1997
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Ethinylestradiol	57636	January 1, 1988
1,1-Dichloroethane	75343	January 1, 1990	Ethoprop	13194484	February 27, 2001
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Ethyl acrylate	140885	July 1, 1989
1,2-Dichloropropane	78875	January 1, 1990	Ethyl methanesulfonate	62500	January 1, 1988
1,3-Dichloropropene	542756	January 1, 1989	Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990
Dieldrin	60571	July 1, 1988	Ethylene dibromide	106934	July 1, 1987
Dienestrol	84173	January 1, 1990	Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987
Diepoxybutane	1464535	January 1, 1988			
Diesel engine exhaust	—	October 1, 1990			
Di(2-ethylhexyl)phthalate	117817	January 1, 1988			
1,2-Diethylhydrazine	1615801	January 1, 1988			
Diethyl sulfate	64675	January 1, 1988			
Diethylstilbestrol (DES)	56531	February 27, 1987			
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989			
Dihydrosafrole	94586	January 1, 1988			

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 8-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Ethylene oxide	75218	July 1, 1987	Lead and lead compounds	—	October 1, 1992
Ethylene thiourea	96457	January 1, 1988	Lead phosphate	7446277	April 1, 1988
Ethyleneimine	151564	January 1, 1988	Lead subacetate	1335326	October 1, 1989
Fenoxycarb	72490018	June 2, 2000	Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Folpet	133073	January 1, 1989	Lynestrenol	52766	February 27, 2001
Formaldehyde (gas)	50000	January 1, 1988	Mancozeb	8018017	January 1, 1990
2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988	Maneb	12427382	January 1, 1990
Furan	110009	October 1, 1993	Me-A-alpha-C (2-Amino-3- methyl-9H-pyrido[2,3-b] indole)	68006837	January 1, 1990
Furazolidone	67458	January 1, 1990	Medroxyprogesterone acetate	71589	January 1, 1990
Furmecyclox	60568050	January 1, 1990	MeIQ(2-Amino-3,4- dimethylimidazo[4,5-f] quinoline)	77094112	October 1, 1994
Fusarin C	79748815	July 1, 1995	MeIQx(2-Amino-3,8- dimethylimidazo[4,5-f] quinoxaline)	77500040	October 1, 1994
Ganciclovir sodium	82410320	August 26, 1997	Melphalan	148823	February 27, 1987
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990	Merphalan	531760	April 1, 1988
Gemfibrozil	25812300	December 22, 2000	Mestranol	72333	April 1, 1988
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	Metham sodium	137428	November 6, 1998
Glu-P-1 (2-Amino-6- methyl-dipyrido[1,2- a:3',2'-d]imidazole)	67730114	January 1, 1990	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Glu-P-2 (2-Aminodipyri- do[1,2-a:3',2'-d]imida- zole)	67730103	January 1, 1990	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Glycidaldehyde	765344	January 1, 1988	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Glycidol	556525	July 1, 1990	Methylazoxymethanol	590965	April 1, 1988
Griseofulvin	126078	January 1, 1990	Methylazoxymethanol acetate	592621	April 1, 1988
Gyromitrin (Acetaldehyde methylformylhydra- zone)	16568028	January 1, 1988	Methyl carbamate	598550	May 15, 1998
HC Blue 1	2784943	July 1, 1989	3-Methylcholanthrene	56495	January 1, 1990
Heptachlor	76448	July 1, 1988	5-Methylchrysene	3697243	April 1, 1988
Heptachlor epoxide	1024573	July 1, 1988	4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987
Hexachlorobenzene	118741	October 1, 1987	4,4'-Methylene bis(N,N-dimethyl) benzenamine	101611	October 1, 1989
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988
Hexachlorodibenzo- dioxin	34465468	April 1, 1988	4,4'-Methylenedianiline	101779	January 1, 1988
Hexachloroethane	67721	July 1, 1990	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Hexamethylphosphora- mide	680319	January 1, 1988	Methyleugenol	93152	November 16, 2001
Hydrazine	302012	January 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Hydrazine sulfate	10034932	January 1, 1988	Methyl iodide	74884	April 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	Methylmercury compounds	—	May 1, 1996
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methyl methanesulfonate	66273	April 1, 1988
Indium phosphide	22398807	February 27, 2001	2-Methyl-1-nitroanthraquin- one (of uncertain purity)	129157	April 1, 1988
IQ (2-Amino-3- methylimidazo[4,5-f] quinoline)	76180966	April 1, 1990	N-Methyl-N'-nitro-N- nitrosoguanidine	70257	April 1, 1988
Iprodione	36734197	May 1, 1996	N-Methylolacrylamide	924425	July 1, 1990
Iron dextran complex	9004664	January 1, 1988	Methylthiouracil	56042	October 1, 1989
Isobutyl nitrite	542563	May 1, 1996	Metiram	9006422	January 1, 1990
Isoprene	78795	May 1, 1996	Metronidazole	443481	January 1, 1988
Isosafrole	120581	October 1, 1989	Michler's ketone	90948	January 1, 1988
Isoxaflutole	141112290	December 22, 2000	Mirex	2385855	January 1, 1988
Lactofen	77501634	January 1, 1989	Mitomycin C	50077	April 1, 1988
Lasiocarpine	303344	April 1, 1988	Monocrotaline	315220	April 1, 1988
Lead acetate	301042	January 1, 1988			

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 8-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988	N-Nitrosomethylethyl-amine	10595956	October 1, 1989
Mustard Gas	505602	February 27, 1987	N-Nitroso-N-methylurea	684935	October 1, 1987
MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000	N-Nitroso-N-methylurethane	615532	April 1, 1988
Nafenopin	3771195	April 1, 1988	N-Nitrosomethylvinyl-amine	4549400	January 1, 1988
Nalidixic acid	389082	May 15, 1998	N-Nitrosomorpholine	59892	January 1, 1988
Naphthalene	91203	April 19, 2002	N-Nitrososonicotinine	16543558	January 1, 1988
1-Naphthylamine	134327	October 1, 1989	N-Nitrosopiperidine	100754	January 1, 1988
2-Naphthylamine	91598	February 27, 1987	N-Nitrosopyrrolidine	930552	October 1, 1987
Nickel and certain nickel compounds	—	October 1, 1989	N-Nitrososarcosine	13256229	January 1, 1988
Nickel carbonyl	13463393	October 1, 1987	o-Nitrotoluene	88722	May 15, 1998
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Norethisterone (Norethin-drone)	68224	October 1, 1989
Nickel subsulfide	12035722	October 1, 1987	Norethynodrel	68235	February 27, 2001
Niridazole	61574	April 1, 1988	Ochratoxin A	303479	July 1, 1990
Nitrilotriacetic acid	139139	January 1, 1988	Oil Orange SS	2646175	April 1, 1988
Nitrilotriacetic acid, tri-sodium salt mono-hydrate	18662538	April 1, 1989	Oral contraceptives, combined	—	October 1, 1989
5-Nitroacenaphthene	602879	April 1, 1988	Oral contraceptives, sequential	—	October 1, 1989
5-Nitro-o-anisidine	99592	October 1, 1989	Oxadiazon	19666309	July 1, 1991
o-Nitroanisole	91236	October 1, 1992	Oxazepam	604751	October 1, 1994
Nitrobenzene	98953	August 26, 1997	Oxymetholone	434071	January 1, 1988
4-Nitrobiphenyl	92933	April 1, 1988	Oxythioquinox	2439012	August 20, 1999
6-Nitrochrysene	7496028	October 1, 1990	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
Nitrofen (technical grade)	1836755	January 1, 1988	Panfuran S	794934	January 1, 1988
2-Nitrofluorene	607578	October 1, 1990	Pentachlorophenol	87865	January 1, 1990
Nitrofurazone	59870	January 1, 1990	Phenacetin	62442	October 1, 1989
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555840	April 1, 1988	Phenazopyridine	94780	January 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531828	April 1, 1988	Phenazopyridine hydrochloride	136403	January 1, 1988
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenesterin	3546109	July 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	Phenobarbital	50066	January 1, 1990
Nitrogen mustard N-oxide	126852	April 1, 1988	Phenolphthalein	77098	May 15, 1998
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	Phenoxybenzamine	59961	April 1, 1988
Nitromethane	75525	May 1, 1997	Phenoxybenzamine hydrochloride	63923	April 1, 1988
2-Nitropropane	79469	January 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
1-Nitropyrene	5522430	October 1, 1990	Phenyl glycidyl ether	122601	October 1, 1990
4-Nitropyrene	57835924	October 1, 1990	Phenylhydrazine and its salts	—	July 1, 1992
N-Nitrosodi-n-butylamine	924163	October 1, 1987	o-Phenylphenate, sodium	132274	January 1, 1990
N-Nitrosodiethanolamine	1116547	January 1, 1988	o-Phenylphenol	90437	August 4, 2000
N-Nitrosodiethylamine	55185	October 1, 1987	PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650235	October 1, 1994
N-Nitrosodimethylamine	62759	October 1, 1987	Polybrominated biphenyls	—	January 1, 1988
p-Nitrosodiphenylamine	156105	January 1, 1988	Polychlorinated biphenyls	—	October 1, 1989
N-Nitrosodiphenylamine	86306	April 1, 1988	Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
N-Nitrosodi-n-propylamine	621647	January 1, 1988	Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
N-Nitroso-N-ethylurea	759739	October 1, 1987	Polychlorinated dibenzofurans	—	October 1, 1992
3-(N-Nitrosomethylamino)propionitrile	60153493	April 1, 1990	Polygeenan	53973981	January 1, 1988
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091914	April 1, 1990	Ponceau MX	3761533	April 1, 1988
			Ponceau 3R	3564098	April 1, 1988
			Potassium bromate	7758012	January 1, 1990
			Primidone	125337	August 20, 1999
			Procarbazine	671169	January 1, 1988
			Procarbazine hydrochloride	366701	January 1, 1988
			Procymidone	32809168	October 1, 1994
			Progesterone	57830	January 1, 1988
			Pronamide	23950585	May 1, 1996
			Propachlor	1918167	February 27, 2001

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
1,3-Propane sultone	1120714	January 1, 1988
Propargite	2312358	October 1, 1994
beta-Propiolactone	57578	January 1, 1988
Propylene oxide	75569	October 1, 1988
Propylthiouracil	51525	January 1, 1988
Pyridine	110861	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50555	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Saccharin		
Delisted April 6, 2001	81072	October 1, 1989
Saccharin, sodium		
Delisted January 17, 2003	128449	January 1, 1988
Safole	94597	January 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998
Selenium sulfide	7446346	October 1, 1989
Shale-oils	68308349	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52017	May 1, 1997
Stanozolol	10418038	May 1, 1997
Sterigmatocystin	10048132	April 1, 1988
Streptozotocin (streptozocin)	18883664	January 1, 1988
Styrene oxide	96093	October 1, 1988
Sulfallate	95067	January 1, 1988
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540291	September 1, 1996
Terrazole	2593159	October 1, 1994
Testosterone and its esters	58220	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
p-a,a,a-Tetrachloro-toluene	5216251	January 1, 1990
Tetrafluoroethylene	116143	May 1, 1997
Tetranitromethane	509148	July 1, 1990
Thioacetamide	62555	January 1, 1988
4,4'-Thiodianiline	139651	April 1, 1988
Thiodicarb	59669260	August 20, 1999
Thiourea	62566	January 1, 1988
Thorium dioxide	1314201	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471625	October 1, 1989
ortho-Toluidine	95534	January 1, 1988
ortho-Toluidine hydrochloride	636215	January 1, 1988
para-Toluidine		
Delisted October 29, 1999	106490	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Treosulfan	299752	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Trichloroethylene	79016	April 1, 1988
2,4,6-Trichlorophenol	88062	January 1, 1988
1,2,3-Trichloropropane	96184	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76879	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Trypan blue (commercial grade)	72571	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66751	April 1, 1988
Urethane (Ethyl carbamate)	51796	January 1, 1988
Vinclozolin	50471448	August 20, 1999
Vinyl bromide	593602	October 1, 1988
Vinyl chloride	75014	February 27, 1987
4-Vinylcyclohexene	100403	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
Zineb		
Delisted October 29, 1999	12122677	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 8-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990	Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Atenolol	developmental	29122687	August 26, 1997	Cyhexatin	developmental	13121705	January 1, 1989
Auranofin	developmental	34031328	January 29, 1999	Cytarabine	developmental	147944	January 1, 1989
Azathioprine	developmental	446866	September 1, 1996	Dacarbazine	developmental	4342034	January 29, 1999
Barbiturates	developmental	—	October 1, 1992	Danazol	developmental	17230885	April 1, 1990
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	Daunorubicin hydrochloride	developmental	23541506	July 1, 1990
Benomyl	developmental, male	17804352	July 1, 1991	2,4-D butyric acid	developmental, male	94826	June 18, 1999
Benzene	developmental, male	71432	December 26, 1997	o,p' -DDT	developmental, female, male	789026	May 15, 1998
Benzodiazepines	developmental	—	October 1, 1992	p,p' -DDT	developmental, female, male	50293	May 15, 1998
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	2,4-DP (dichloroprop) Delisted January 25, 2002	developmental	—120365	April 27, 1999
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Bromacil lithium salt	developmental, male	53404196	May 18, 1999 January 17, 2003	Diazepam	developmental	439145	January 1, 1992
Bromoxynil	developmental	1689845	October 1, 1990	Diazoxide	developmental	364987	February 27, 2001
Bromoxynil octanoate	developmental	1689992	May 18, 1999	1,2-Dibromo-3-chloropropane (DBCP)	developmental, male	96128	February 27, 1987
Butabarbital sodium	developmental	143817	October 1, 1992	Dichlorophene	developmental	97234	April 27, 1999
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Dichlorophenamide	developmental	120978	February 27, 2001
Cadmium	developmental, male	—	May 1, 1997	Diclofop methyl	developmental	51338273	March 5, 1999
Carbamazepine	developmental	298464	January 29, 1999	Dicumaryl	developmental	66762	October 1, 1992
Carbon disulfide	developmental, female, male	75150	July 1, 1989	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Carbon monoxide	developmental	630080	July 1, 1989	Diffunisal	developmental, female	22494424	January 29, 1999
Carboplatin	developmental	41575944	July 1, 1990	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Chenodiol	developmental	474259	April 1, 1990	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	m-Dinitrobenzene	developmental, male	99650	July 1, 1990
Chlorambucil	developmental	305033	January 1, 1989	o-Dinitrobenzene	developmental, male	528290	July 1, 1990
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	p-Dinitrobenzene	developmental, male	100254	July 1, 1990
Chlordecone (Kepone)	developmental	143500	January 1, 1989	2,4-Dinitrotoluene	developmental, male	121142	August 20, 1999
Chlordiazepoxide	developmental	58253	January 1, 1992	2,6-Dinitrotoluene	developmental, male	606202	August 20, 1999
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	Dinitrotoluene (technical grade)	developmental, female, male	—	August 20, 1999
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990	Dinocap	developmental	39300453	April 1, 1990
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	Dinoseb	developmental, male	88857	January 1, 1989
Cidofovir	developmental, female, male	113852372	January 29, 1999	Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
Cladribine	developmental	4291638	September 1, 1996	Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999
Clarithromycin	developmental	81103119	May 1, 1997	Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
Clobetasol propionate	developmental, female	25122467	May 15, 1998	Doxycycline (internal use)	developmental	564250	July 1, 1990
Clomiphene citrate	developmental	50419	April 1, 1990	Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
Cocaine	developmental, female	50362	July 1, 1989	Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
Codeine phosphate	developmental	52288	May 15, 1998	Endrin	developmental, male	72208	May 15, 1998
Colchicine	developmental, male	64868	October 1, 1992	Epichlorohydrin	developmental	106898	September 1, 1996
Conjugated estrogens	developmental	—	April 1, 1990	Ergotamine tartrate	developmental	379793	April 1, 1990
Cyanazine	developmental	21725462	April 1, 1990	Estropipate	developmental	7280377	August 26, 1997
Cycloate	developmental	1134232	March 19, 1999	Ethionamide	developmental	536334	August 26, 1997
Cyclohexanol Delisted January 25, 2002	male	—108930	November 6, 1998	Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Cycloheximide	developmental	66819	January 1, 1989	Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Ethylene dibromide	developmental, male	106934	May 15, 1998
				Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
				Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
				Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
				Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
				Ethylene oxide	female	75218	February 27, 1987
				Ethylene thiourea	developmental	96457	January 1, 1993
				Etodolac	developmental, female	41340254	August 20, 1999
				Etoposide	developmental	33419420	July 1, 1990
				Etretinate	developmental	54350480	July 1, 1987

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 8-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Misoprostol	developmental	59122462	April 1, 1990
Filgrastim	developmental	121181531	February 27, 2001	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Fluazifop butyl	developmental	69806504	November 6, 1998	Myclobutanil	developmental, male	88671890	April 16, 1999
Flunisolide	developmental, female	3385033	May 15, 1998				
Fluorouracil	developmental	51218	January 1, 1989	Nabam	developmental	142596	March 30, 1999
Fluoxymesterone	developmental	76437	April 1, 1990	Nafarelin acetate	developmental	86220420	April 1, 1990
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Flurbiprofen	developmental, female	5104494	August 20, 1999	Netilmicin sulfate	developmental	56391572	July 1, 1990
Flutamide	developmental	13311847	July 1, 1990	Nickel carbonyl	developmental	13463393	September 1, 1996
Fluticasone propionate	developmental	80474142	May 15, 1998	Nicotine	developmental	54115	April 1, 1990
Fluvalinate	developmental	69409945	November 6, 1998	Nifedipine	developmental, female, male	21829254	January 29, 1999
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nimodipine	developmental	66085594	April 24, 2001
Gemfibrozil	female, male	25812300	August 20, 1999	Nitrapyrin	developmental	1929824	March 30, 1999
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nitrofurantoin	male	67209	April 1, 1991
				Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Halazepam	developmental	23092173	July 1, 1990	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Halobetasol propionate	developmental	66852548	August 20, 1999				
Haloperidol	developmental, female	52868	January 29, 1999	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Halothane	developmental	151677	September 1, 1996	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Heptachlor	developmental	76448	August 20, 1999	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Hexachlorobenzene	developmental	118741	January 1, 1989	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Hexamethylphosphoramide	male	680319	October 1, 1994				
Histrelin acetate	developmental	—	May 15, 1998	Norgestrel	developmental	6533002	April 1, 1990
Hydramethylnon	developmental, male	67485294	March 5, 1999				
Hydroxyurea	developmental	127071	May 1, 1997	Oxadiazon	developmental	19666309	May 15, 1998
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Oxazepam	developmental	604751	October 1, 1992
Ifosfamide	developmental	3778732	July 1, 1990	Oxydemeton methyl	female, male	301122	November 6, 1998
Iodine-131	developmental	10043660	January 1, 1989	Oxymetholone	developmental	434071	May 1, 1997
Isotretinoin	developmental	4759482	July 1, 1987	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
				Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Lead	developmental, female, male	—	February 27, 1987				
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Levodopa	developmental	59927	January 29, 1999	Paramethadione	developmental	115673	July 1, 1990
Levonorgestrel implants	female	797637	May 15, 1998	Penicillamine	developmental	52675	January 1, 1991
Linuron	developmental	330552	March 19, 1999	Pentobarbital sodium	developmental	57330	July 1, 1990
Lithium carbonate	developmental	554132	January 1, 1991	Pentostatin	developmental	53910251	September 1, 1996
Lithium citrate	developmental	919164	January 1, 1991	Phenacemide	developmental	63989	July 1, 1990
Lorazepam	developmental	846491	July 1, 1990	Phenprocoumon	developmental	435972	October 1, 1992
Lovastatin	developmental	75330755	October 1, 1992	Pimozide	developmental, female	2062784	August 20, 1999
				Pipobroman	developmental	54911	July 1, 1990
Mebendazole	developmental	31431397	August 20, 1999	Plicamycin	developmental	18378897	April 1, 1990
Medroxyprogesterone acetate	developmental	71589	April 1, 1990	Polybrominated biphenyls	developmental	—	October 1, 1994
Megestrol acetate	developmental	595335	January 1, 1991	Polychlorinated biphenyls	developmental	—	January 1, 1991
Melphalan	developmental	148823	July 1, 1990	Potassium dimethyldithio- carbamate	developmental	128030	March 30, 1999
Menotropins	developmental	9002680	April 1, 1990				
Meprobamate	developmental	57534	January 1, 1992	Pravastatin sodium	developmental	81131706	March 3, 2000
Mercaptopurine	developmental	6112761	July 1, 1990	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Mercury and mercury compounds	developmental	—	July 1, 1990	Procarbazine hydrochloride	developmental	366701	July 1, 1990
Methacycline hydrochloride	developmental	3963959	January 1, 1991	Propargite	developmental	2312358	June 15, 1999
Metham sodium	developmental	137428	May 15, 1998	Propylthiouracil	developmental	51525	July 1, 1990
Methazole	developmental	20354261	December 1, 1999	Pyrimethamine	developmental	58140	January 29, 1999
Methimazole	developmental	60560	July 1, 1990				
Methotrexate	developmental	59052	January 1, 1989	Quazepam	developmental	36735225	August 26, 1997
Methotrexate sodium	developmental	15475566	April 1, 1990	Quizalofop-ethyl	male	76578148	December 24, 1999
Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993				
Methyl chloride	developmental	74873	March 10, 2000				
Methyl mercury	developmental	—	July 1, 1987				
N-Methylpyrrolidone	developmental	872504	June 15, 2001				
Methyltestosterone	developmental	58184	April 1, 1990				
Metiram	developmental	9006422	March 30, 1999				
Midazolam hydrochloride	developmental	59467968	July 1, 1990				
Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992				

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791045	April 1, 1990
Rifampin	male	36791045	February 27, 2001
	developmental, female	13292461	February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: February 21, 2003

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

NOTICE TO INTERESTED PARTIES

CHEMICAL LISTED EFFECTIVE

February 21, 2003

**AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *carbon black (airborne, unbound particles of respirable size)* to the list of chemicals known to the State to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The listing of *carbon black (airborne, unbound particles of respirable size)* is effective **February 21, 2003**.

The listing of *carbon black (airborne, unbound particles of respirable size)* (CAS No, 133 3-86-4) is based on a formal identification by an authoritative body (i.e., the International Agency for Research on Cancer ["IARC"]) that this chemical causes cancer. Regulations governing the listing of chemicals under the "authoritative bodies" mechanism are published in Title 22, California Code of Regulations, Section 12306. The reader is directed to the Notice of Intent to List carbon black published in the October 29, 1999, issue of the *California Regulatory Notice Register* (Register 99, No. 44-Z) for the documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical. The following describes the unique aspects of the listing of carbon black.

The listing only pertains to airborne, unbound carbon black particles of respirable size. As noted by IARC, the respirable fraction is "that fraction of an aerosol with an aerodynamic diameter suitable for penetration into the alveoli/gas exchange region of the lung (typically <10 µm)" (pp. 171–172, Volume 65, IARC Monographs on the Evaluation of Carcinogenic Risks to Human, 1996). OEHHA and the California Air Resources Board have also noted that, "In general, particles 10 µm or less in diameter are considered respirable by humans" (California Environmental Protection Agency, Air Resources Board, Staff Report: Public Hearing to Consider Amendments to the Ambient Air Quality Standards for Particulate Matter and Sulfates, prepared by staff of the Air Resources Board and OEHHA, 2002). Thus, for the purposes of Proposition 65, carbon black particles 10 µm or less

shall be considered respirable. Exposure to carbon black, per se, does not occur when it remains bound within a product matrix, such as rubber, ink or paint.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*. The following table outlines the addition of carbon black (airborne, unbound particles of respirable size) to the Proposition 65 chemical list as known to the State to cause cancer:

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	Cancer	AB

¹ Listing mechanism:

AB—"authoritative body" mechanism (22 CCR 12306)

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

**Request for Information on Chemicals to be
Considered by the OEHHA Science Advisory
Board's Carcinogen Identification Committee**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65; Health and Safety Code Section 25249.5 *et seq.*).

The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause cancer, which pursuant to Proposition 65 must be updated annually. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

On November 5, 1999, OEHHA announced the final priority assignment for lovastatin as "High" carcinogenicity concern in a notice published in the *California Regulatory Notice Register* (CRNR) (Register 99, No.45-Z). A request for information relevant to the assessment of the evidence of carcinogenicity of lovastatin was published in the CRNR (Register 99, No.47-Z) on November 19, 1999. Information was

received and was considered as OEHHA began preparation of the draft hazard identification document.

Subsequent to the selection of lovastatin for draft hazard identification document preparation, a request was received from the counsel representing Merck, the manufacturer of lovastatin, stating that if OEHHA considered it necessary to bring forward lovastatin for consideration by the CIC, then all of the statins should be brought forward simultaneously for evaluation. The reasons advanced by Merck included that: lovastatin is a well-established aid in lowering cholesterol; the review of only lovastatin by the CIC may be misperceived as reflecting a comparative analysis of all statins; a finding regarding lovastatin's carcinogenicity might result in the misinterpretation that among all the statins, lovastatin presents a unique risk of cancer not presented by the other statins.

Consistent with the prioritization procedure which states, "(u)nder exceptional circumstances, the process described in this (prioritization) document may be abbreviated to allow OEHHA to respond to specific public health needs," the Director of OEHHA consulted with the Chair of the CIC about the request made by Merck. Dr. Thomas Mack, CIC Chair, agreed that there was merit to the request. As a result, the issue of whether or not the statin drugs should be considered simultaneously as a group was placed on the agenda as a discussion item at the December 17, 2002 CIC meeting. At that meeting, the CIC recommended that OEHHA, as resources are available, prepare individual hazard identification documents for each of the statin drugs (atorvastatin calcium, cerivastatin sodium, fluvastatin sodium, lovastatin, pravastatin sodium, and simvastatin) and present them to the CIC at a future meeting. The CIC at that time would consider each of the statin drugs individually for possible listing.

In light of the CIC's recommendation, OEHHA initiates a 60-day data call-in period for the following chemicals:

CHEMICAL	CAS No.
Atorvastatin calcium	134523-03-8
Cerivastatin sodium	143201-11-0
Fluvastatin sodium	93957-55-2
Lovastatin*	75330-75-5
Pravastatin sodium	81131-70-6
Simvastatin	79902-63-9

* Although lovastatin was the subject of a data call-in in November 1999, in an effort to ensure that all relevant scientific information is considered, OEHHA is including lovastatin in this data call-in period. Information submitted during the November 1999 data call-in need not be submitted again.

Interested parties or members of the public wishing to provide information relevant to the assessment of carcinogenicity for these chemicals should forward such information to the address given below. This period will end on **Tuesday, April 22, 2003**. The information received during this data call-in period will be reviewed and considered by OEHHA as it develops the draft cancer hazard identification documents on each of these chemicals.

OEHHA welcomes public participation and public input as part of these scientific assessments. Notification of the availability of the hazard identification documents and of the time, date, location, and agenda of the meeting of the CIC where these chemicals will be considered will also be provided in subsequent notices published in the CRNR and posted on the OEHHA web site at www.oehha.ca.gov. It is anticipated that the draft hazard identification documents will be made available for a 60-day comment period prior to the Committee meeting at which these chemicals will be considered.

Relevant information on these chemicals should be sent in triplicate by mail or fax to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX (916) 323-8803
(916) 445-6900

In order to be considered, the relevant information must be postmarked (if sent by mail) or received at OEHHA (if delivered in person or sent by FAX) by 5:00 p.m. on Tuesday, April 22, 2003.

DECISION NOT TO PROCEED

BOARD OF PHARMACY

NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

The Board of Pharmacy has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on August 30, 2002 OAL File # Z-08-0820-05 concerning Title 16, section(s) 1751 et seq.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3

PETITIONER

Byron Chapin Myers.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition for adoption of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests that the Department of Corrections amend California Code of Regulations (CCR), Title 15, Division 3, § 3355.1(b) as follows: "Inmates with disabilities, or who are otherwise physically incapable of practicing routine oral hygiene shall be provided the means necessary to practice basic preventive oral hygiene. An inmate with a permanent disability who is requesting a long-term reasonable accommodation shall follow the procedures described in § 3085. An inmate with non-permanent injuries or temporary impairment causing difficulty in practicing basic oral hygiene by means normally available at the institution, shall be reviewed by the institution's medical staff on a case by case basis."

DEPARTMENT DECISION

The Director of Corrections denies this petition to amend the CCR subsection in question because the

requested outcome can already be obtained under other regulations that have been adopted in accordance with the provisions of the Administrative Procedure Act (APA). Therefore, a new regulatory adoption is not needed. Moreover, since the proposed regulation would serve the same purpose of another regulation, its adoption would represent a violation of the nonduplication standard of the APA as set forth in § 11349(f) of the Government Code.

Article 8 of the General Institutional Regulations of this Department (§§ 3350–3359) addresses inmate medical and dental services. § 3350 provides that inmates shall be afforded services determined by the attending practitioner to be reasonable and necessary as supported by data as being effective to prevent “significant illness or disability”. Furthermore, pursuant § 3350.1(d), any treatment for a condition that might be otherwise excluded may be allowed upon treatment prescription and approval of named review committees. Finally, § 3355.1(b) specifies that inmates will not only receive dental examinations within a named timeframe, but that “an individual treatment plan for the inmate” shall be developed by the examining practitioner while subsection (c) provides for no less than annual dental reexaminations.

In accordance with the general provisions of § 3085, no inmate qualified as disabled under the Americans With Disabilities Act, shall, by reason of such disability, be denied the benefits of the services, programs, or activities of the department, or be subjected to discrimination. Moreover, in accordance with subsection (a), disabled inmates may request reasonable modification or accommodation to achieve access or grieve an issue of alleged discrimination based on disability by completing a “Reasonable Modification or Accommodation Request” (CDC Form 1824). Completed forms will be processed by the appropriate appeals coordinator office and, upon an adverse or unsatisfactory decision, the inmate may proceed in accordance with subsections (b) and (c) with the inmate appeals process set forth in §§ 3084–3084.7.

With respect to the petition, therefore, all requested elements are already adequately addressed by existing regulation. The special needs of any inmate with a permanent or temporary disability preventing routine oral hygiene can be identified in accordance with §§ 3350, 3355.1(b) and if necessary 3350.1(a). Any reasonable accommodation on the part of the Department is already required by § 3085. Denial of an inmate request for reasonable accommodation or alleged discrimination such as staff refusal to provide a properly prescribed alternative for routine oral hygiene may be grieved in accordance with § 3085(a). Finally, the inmate appeals process cited above provides the inmate a means by which denied

grievances may be appealed to higher authorities including through the third (or Director’s) level of review.

Inasmuch as the petitioner’s suggested changes are not necessary, the petition is denied.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF PHARMACY

Graduates of Foreign Pharmacy Schools

This rulemaking allows the board to accept a review of foreign transcripts by a foreign credential evaluation service as a way to ensure that a foreign educated applicant’s collegiate study satisfies the education requirements of Section 4200(a)(3) of the Business and Professions Code.

Title 16

California Code of Regulations

AMEND: 1720.1

Filed 02/11/03

Effective 03/13/03

Agency Contact: Anne Sodergren (916) 445-5014

BOARD OF PHARMACY

Medication Delivery & Partial Fill

This rulemaking permits pharmacies to deliver dispensed prescriptions to a physician’s office, clinic, or hospital for pickup by the patient at a later time if the patient receives care at the location. This rulemaking also specifies that a Schedule II controlled substance prescription must be filled within 14 days of issuance.

Title 16

California Code of Regulations

AMEND: 1717, 1745

Filed 02/10/03

Effective 03/12/03

Agency Contact:

Paul Riches

(916) 445-5014 x4016

BOARD OF PSYCHOLOGY

EPPP Exam Fee

This rulemaking action would (1) remove the reference to the fee the Board now charges for the licensing exam; (2) specify that applicants must now pay the fee directly to the entity giving the exam; (3) make associated changes and clarifications; and (4) remove obsolete language.

Title 16

California Code of Regulations

AMEND: 1388, 1392

Filed 02/11/03

Effective 03/01/03

Agency Contact: Kathy Bradbury (916) 263-0712

COMMISSION ON PEACE OFFICER

STANDARDS AND TRAINING

Supervisory Course Curriculum

This regulatory action establishes the curriculum for a supervisory course for newly appointed supervisory officers.

Title 11

California Code of Regulations

AMEND: 1005,1070,1082

Filed 02/06/03

Effective 03/08/03

Agency Contact: Leah Cherry (916) 227-3891

DENTAL BOARD OF CALIFORNIA

Registered Dental Hygienist (RDH) Examination

This rulemaking specifies that a dental examinee who uses ultrasonic or sonic scaling devices during an examination must bring and use the services of a dental assistant or a registered dental assistant to perform high volume evacuation.

Title 16

California Code of Regulations

AMEND: 1082.1

Filed 02/06/03

Effective 03/08/03

Agency Contact:

Errol G. Chisom (916) 263-2300 x2327

DEPARTMENT OF BOATING AND WATERWAYS

Conflict of Interest Code

This action amends the Department's Conflict of Interest Code. This action has been approved by the Fair Political Practices Commission and is being submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 14

California Code of Regulations

Filed 02/11/03

Effective 03/13/03

Agency Contact: Mike Sotelo (916) 263-0787

DEPARTMENT OF FOOD AND AGRICULTURE

Pierce's Disease Control Program

The regulatory action is the readoption of emergency regulations that established the Pierce's Disease Control Program. (Prior OAL File 02-1009-02E; Department of Food and Agriculture File PH0303.)

Title 3

California Code of Regulations

ADOPT: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5

Filed 02/06/03

Effective 02/14/03

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HEALTH SERVICES

Requirements for the Use of X-ray in Mammography

The proposed emergency regulatory action adopts the State of California's regulatory framework for implementation of the federal Mammography Quality Assurance Act of 1992, the Mammography Quality Reauthorization Act of 1998, and associated FDA-mandated federal regulations.

Title 17

California Code of Regulations

ADOPT: 30315.10, 30315.20, 30315.22, 30315.23, 30315.24, 30315.33, 30315.34, 30315.35, 30315.36, 30315.50, 30315.51, 30315.52, 30315.60, 30316, 30316.10, 30316.20, 30316.22, 30316.30, 30316.40, 30316.50, 30316.60, 30316.61, 30317, 30317.10, 30317.20, 303

Filed 02/10/03

Effective 02/10/03

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF INSURANCE

Commissioner's Report on Underserved Communities

The regulatory action deals with the Commissioner's Report on Underserved Communities. (Department of Insurance File RH 01017313 .)

Title 10

California Code of Regulations

AMEND: 2646.6 REPEAL: 2646.7, 2646.8, 2646.9, 2646.10, 2646.11

Filed 02/11/03

Effective 03/15/03

Agency Contact: Natasha R. Ray (916) 492-3559

DEPARTMENT OF TOXIC SUBSTANCES

CONTROL

Phase I Environment Assessment (Schools)

In this rulemaking action, the Department of Toxic Substances Control adopts regulations pertaining to Phase I Environmental Site Assessments for school

sites pursuant to Education Code sections 17210(g) and 17213.1, including provisions for Phase I Addendums.

Title 22
California Code of Regulations
ADOPT: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107
Filed 02/10/03
Effective 02/10/03
Agency Contact:
Bonnie Amoruso (916) 322-2833

NEW MOTOR VEHICLE BOARD

Conversion of Informal Medication to petition: Confidentially

This filing without regulatory effect under section 100, title 1, California Code of Regulations, corrects an omitted word from the list of the Board's statutory licensees.

Title 13
California Code of Regulations
AMEND: 55.17
Filed 02/06/03
Effective 03/06/03
Agency Contact:
Robin P. Parker (916) 445-2080

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—AB 401

This action amends the rules on site acquisition funding for cases where a school district already owns the site proposed for a school.

Title 2
California Code of Regulations
ADOPT: 1859.74.5, 1859.74.6, 1859.81.2, 14859.81.3, 1859.105.2 AMEND: 1859.2, 1859.74, 1859.76, 1859.77.1, 1859.81.1, 1859.90, 1859.103, 1859.104
Filed 02/06/03
Effective 02/06/03
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—SAB Membership

This emergency rulemaking action conforms the membership of the Board and the number of members required for a quorum to recent legislative changes.

Title 2
California Code of Regulations
AMEND: 1555
Filed 02/11/03
Effective 02/11/03
Agency Contact: Lisa Jones (916) 322-1043

STATE TREASURER

Amendment of Conflict of Interest Code

The Office of the State Treasurer is amending its conflict of interest code found at Title 2, California Code of Regulations, section 1897.

Title 2
California Code of Regulations
AMEND: 1897
Filed 02/11/03
Effective 02/11/03
Agency Contact: Tom Noguerola (916) 651-9479

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN OCTOBER 09, 2002 TO FEBRUARY 12, 2003

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

01/21/03 REPEAL: 121,122,123,124,125,125.5, 126,127,128, Appendix A
10/29/02 AMEND: 1, 100

Title 2

02/11/03 AMEND: 1555
02/11/03 AMEND: 1897
02/06/03 ADOPT: 1859.74.5, 1859.74.6, 1859.81.2, 14859.81.3, 1859.105.2
AMEND: 1859.2, 1859.74, 1859.76, 1859.77.1, 1859.81.1, 1859.90, 1859.103, 1859.104
02/03/03 AMEND: 649.11
02/03/03 ADOPT: 649.23, 649.24, 649.25
01/30/03 ADOPT: 18530.2
01/16/03 AMEND: 18700
01/16/03 ADOPT: 1859.71.2, 1859.78.4, 1859.108
AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107
01/16/03 AMEND: 18705.1
01/16/03 ADOPT: 18545
01/16/03 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943
01/13/03 ADOPT: 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4, 1866.4.6, 1866.4.7, 1866.5.1,

1866.5.2, 1866.5.4, 1866.5.5, 1866.5.6,
1866.5.7, 1866.5.8,
1866.9.1, 1866.12, 1866.13, 1866.14
AMEND: 1866, 1866.1, 1866.2, 1866.3,
1866.4, 1866.5, 1866.5.3, 1866.7, 1866.8,
186
01/08/03 ADOPT: 18535
12/19/02 ADOPT: 1859.200, 1859.201, 1859.202,
1859.203, 1859.204, 1859.205, 1859.206,
1859.207, 1859.208, 1859.209, 1859.210,
1859.211, 1859.212, 1859.213, 1859.214,
1859.215, 1859.216, 1859.217, 1859.218,
1859.218, 1859.219, 1859.220,
12/17/02 ADOPT: 599.723.2
12/10/02 ADOPT: 58700
11/26/02 AMEND: 57.1
11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9
11/14/02 AMEND: 2271
11/04/02 ADOPT: 549.95
11/04/02 ADOPT: 1859.70.1, 1859.71.3,
1859.78.5, 1859.78.6,
1859.78.7, 1859.93.1, 1859.120,
1859.121, 1859.122, 1859.122.1,
1859.122.2, 1859.123, 1859.124,
1859.124.1, 1859.125, 1859.125.1,
1859.126, 1859.127, 1859.128, 1859.129,
1859.130, 1859.140, 1859.141, 1859
10/31/02 ADOPT: 18531.7
10/31/02 AMEND: 51000
10/24/02 ADOPT: 2351
10/09/02 AMEND: 18539.2

Title 3

02/06/03 ADOPT: 3650, 3651, 3652, 3653, 3654,
3655, 3656, 3657, 3658, 3659, 3660,
3661, 3662, 3663, 3663.5
02/03/03 AMEND: 3700(c)
01/28/03 AMEND: 3417(b)
01/27/03 AMEND: 3700(C)
01/21/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
01/06/03 AMEND: 1380.19(l), 1428.17, 1436.37
12/24/02 ADOPT: 1392.12
12/12/02 AMEND: 3417(b)
12/12/02 AMEND: 3423(b)
12/12/02 AMEND: 3417(b)
12/10/02 AMEND: 3700(b)
12/05/02 AMEND: 6550
12/03/02 AMEND: 6622
12/02/02 AMEND: 1392.1, 1392.2, 1392.4,
1392.9.1
12/02/02 AMEND: 3423(b)
11/12/02 ADOPT: 4600, 4601, 4602, 4603
11/07/02 AMEND: 6000, 6710
11/01/02 AMEND: 3417(b)
10/28/02 AMEND: 3604(b)

10/24/02 AMEND: 1380.19, 1430.10, 1430.12,
1430.14, 1430.26, 1430.27, 1430.32,
1430.45, 1430.50, 1430.51
10/17/02 ADOPT: 3650, 3651, 3652, 3653, 3654,
3655, 3656, 3657, 3658, 3659, 3660,
3661, 3662, 3663, 3663.5
10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7
REPEAL: 1420.9, 1442.10

Title 4

01/27/03 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308,
12309, 12310 AMEND: 12300, 12301,
12302, 12303, 12304, 12305, 12306,
12307, 12308, 12309, 12310
12/12/02 ADOPT: 12100, 12101, 12104, 12105,
12120, 12122, 12124, 12126, 12128,
12130, 12132, 12140, 12142
12/05/02 ADOPT: 12309, 12310 AMEND:
12300, 12301, 12302, 12303, 12305
10/15/02 ADOPT: 1867

Title 5

01/30/03 AMEND: 80043
01/29/03 AMEND: 31000, 31001, 31003, 31004,
31005, 31006, 31007
01/27/03 ADOPT: 42397, 42397.1, 42397.2,
42397.3, 42397.4, 42397.5, 42397.6,
42397.7, 42397.8, 42397.9, 42397.10,
42397.11
01/16/03 ADOPT: 9531, 9532
01/08/03 ADOPT: 11303, 11304, 11305, 11306,
11307, 11308, 11316 AMEND: 11303,
11304, 11305 REPEAL: 4304, 4306,
4311, 4312
12/23/02 AMEND: 80054.5, 80020.4.1
12/10/02 ADOPT: 11983.5
12/09/02 AMEND: 80054
12/05/02 AMEND: 30950, 30951, 30951.1, 30952,
30953, 30954, 30955, 30956, 30957,
30958, 30959
10/21/02 AMEND: 18301
10/17/02 ADOPT: 80434 AMEND: 80001

Title 8

01/30/03 AMEND: 336
01/29/03 ADOPT: 10133.16, 10133.17, 10133.18,
10133.19, 10133.20, 10133.21, 10133.22,
10122.1, 10127.3, 10131.2, 10133.10,
10133.11, 10133.12, 10133.13, 10133.14,
10133.15 AMEND: 10122, 10131,
10133, 10133.2 REPEAL: 10133.1
01/28/03 AMEND: 1604.5(c)(3), 1604.6(a)
01/21/03 ADOPT: 339.9 AMEND: 339.8.1
01/09/03 AMEND: 769
01/09/03 AMEND: 9771, 9771.2, 9771.66, 9772,
9779, 9779.1, 9779.3, 9779.4, 9779.45

01/09/03 ADOPT: 412.2 AMEND: 403, 404, 405.1, 411, 411.1, 411.2, 418, 420 REPEAL: 407, 407.1, 407.2, 407.3,
 01/08/03 ADOPT: 46.1
 01/06/03 AMEND: 1527
 01/03/03 AMEND: 344.30
 12/30/02 ADOPT: 10114.1, 10114.2, 10114.3, 10114.4, 101002, 10103.2, 10106.1, 10107.1, 10111.2, 10113.1, 10113.2, 10113.3, 10113.4, 10113.5, 10113.6 AMEND: 10104, 10105, 10106.5, 10108, 10109, 10113, 10114, 10115.1 REPEAL: 10115.3
 12/30/02 AMEND: 14300.10, 14300.12, 14300.29
 12/19/02 AMEND: 5221, 5223,
 12/03/02 AMEND: 4794, 4848, 4850
 12/02/02 AMEND: 3441(a)
 11/18/02 ADOPT: 2980, 2981, 2982, 2983

Title 9

01/02/03 AMEND: 10355
 12/26/02 ADOPT: 7149.1 AMEND: 7174
 11/26/02 ADOPT: 9526, 9531 AMEND: 9500, 9505, 9515, 9530, 9535

Title 10

02/11/03 AMEND: 2646.6 REPEAL: 2646.7, 2646.8, 2646.9, 2646.10, 2646.11
 01/21/03 AMEND: 2690.1, 2690.2
 01/16/03 AMEND: 2498.6
 01/13/03 ADOPT: 2498.6
 01/02/03 AMEND: 2509.40, 2509.41, 2509.42, 2509.45, 2509.77
 12/31/02 AMEND: 2318.6, 2353.1, and 2354.
 12/26/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.5
 12/16/02 ADOPT: 1422, 1423
 12/12/02 ADOPT: 2699.6606, 2699.6711, 2699.6631, 2699.6717 AMEND: 2699.6500, 2699.6600, 2699.6605, 2699.6607, 2699.6611, 2699.6613, 2699.6617, 2699.6623, 2699.6625, 2699.6629, 2699.6631, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6800, 2699.6801, 2699.680
 12/12/02 AMEND: 2632.8
 12/05/02 AMEND: 2632.13(c)
 11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4, 2689.5, 2689.6, 2689.7, 2689.8, 2689.9, 2689.10, 2689.11, 2689.12, 2689.13, 2689.14, 2689.15, 2689.16, 2689.17, 2689.18, 2689.19, 2689.20, 2689.21, 2689.22, 2689.23, 2689.24,
 11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3, 2542.4, 2542.5, 2542.6, 2542.7, 2542.8
 11/18/02 ADOPT: 2187.4
 11/14/02 AMEND: 5002
 11/07/02 ADOPT: 2193, 2193.1, 2193.2 2193.3

11/04/02 ADOPT: 2698.99
 10/31/02 ADOPT: 2632.13
 10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4, 2651.1, 2652.5, 2655.1, 2655.5, 2655.6, 2655.10, 2656.1, 2656.2, 2656.3, 2656.4, 2657.2, 2658.1, 2659.1, 2661.3, 2697.3

Title 11

02/06/03 AMEND: 1005,1070,1082
 02/03/03 AMEND: 1081(a)(31), 1081(a)(32)
 01/17/03 ADOPT: 3100, 3101, 3102, 3103, 3200, 3201, 3203, 3204 AMEND: 3000, 3001, 3002, 3003, 3007, 3008
 12/04/02 ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51
 12/03/02 AMEND: 1001, 1010 REPEAL: 1009
 11/26/02 AMEND: 1005
 10/10/02 ADOPT: 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 48

Title 13

02/06/03 AMEND: 55.17
 02/04/03 ADOPT: 551.14, 551.15, 551.16, 551.17 AMEND: 553.40, 595
 01/03/03 ADOPT: 2606 AMEND: 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610
 12/24/02 AMEND: 2261, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2265, 2266.5, 2269, 2271, 2272, 2296
 11/25/02 AMEND: 810, 811, 812, 813, 814, 815, 816, 817, 818
 11/04/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 226.30, 225.33, 225.36, 225.39, 225.41, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72, and related forms
 10/18/02 AMEND: 1956.8

Title 14

02/11/03
 02/03/03 AMEND: 120.3
 01/28/03 ADOPT: 6593, 6593.1, 6593.2, 6593.3, 6593.4, 6593.5, 6593.6, 6593.7, 6593.8, 6593.9, 6593.10, 6593.11
 01/21/03 ADOPT: 14120 AMEND: 14101, 14102, 14111, 14112, 14113, 14115, 14116
 01/17/03 AMEND: 180.15
 01/09/03 ADOPT: 52.00, 52.01, 52.02, 52.03, 52.04, 52.05, 52.09 AMEND: 150.16, 150.17
 01/07/03 AMEND: 630

01/03/03 ADOPT: 1.91 AMEND: 1.90, 27.60,
27.82, 28.27, 28.28, 28.29, 28.54, 28.55,
28.58
12/31/02 AMEND: 150.06(a)
12/30/02 AMEND: 150.06, 150.16
12/30/02 AMEND: 150.16
12/30/02 AMEND: 670.2
12/26/02 AMEND: 670.2
12/19/02 AMEND: 11900
12/19/02 AMEND: 11900 and 11901
12/18/02 ADOPT: 3704.1
12/05/02 AMEND: 18419
12/03/02 AMEND: 2200, 2320, 2500
11/25/02 AMEND: 912.7, 932.7, 952.7
11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1],
929.2, [949.2, 969.2], 929.3, [949.3,
969.3], 929.4, [949.4, 969.4] REPEAL:
929.5, [949.5, 969.5], 1037.5(a), 1052
11/21/02 AMEND: 1038(f)
11/21/02 AMEND: 791.7, 870.15, 870.17, 870.19,
870.21 and incorporated by reference
form FG-OSPR -1972
11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530
and 2690 renumbered to 2850
11/18/02 AMEND: 932.9, 952.9
11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2,
932.7, 933.1, 933.2, 952.7, 953.1, 953.2
11/07/02 ADOPT: 749.2
11/07/02 AMEND: 7.50(b)(5)(E), 7.50(b)(156)(H)
10/28/02 AMEND: 1058.5
10/28/02 ADOPT: 4971
10/24/02 ADOPT: 17211, 17211.1, 17211.2,
17211.3, 17211.4, 17211.5, 17211.6,
17211.7, 17211.8, 17211.9
10/21/02 AMEND: 163, 163.5, 164
10/15/02 AMEND: 2030
10/09/02 ADOPT: 819.06, 819.07 AMEND:
815.03, 815.05, 817.02, 817.03, 818.02,
818.03, 819, 819.01, 819.02.8, 19.03,
819.04, 819.05
10/09/02 AMEND: 502, 507(c)

Title 15

01/21/03 AMEND: 3075.2
12/10/02 ADOPT: 3371.1

Title 16

02/11/03 AMEND: 1720.1
02/11/03 AMEND: 1388, 1392
02/10/03 AMEND: 1717, 1745
02/06/03 AMEND: 1082.1
01/29/03 AMEND: 2542, 2542.1, 2547, and 2547.1
01/23/03 ADOPT: 1399.153.10 AMEND:
1399.153, 1399.153.1, 1399.153.2,
1399.153.3, 1399.153.4, 1399.153.5,
1399.153.6, 1399.153.7 1399.153.8,
1399.153.9,
01/21/03 ADOPT: 1356.6

01/21/03 AMEND: 3340.42 REPEAL: 3340.42.1
01/15/03 ADOPT: 118.5 AMEND: 109, 116, 117,
121
01/07/03 AMEND: 1399.660, 1399.664
01/06/03 AMEND: 1399.85
12/31/02 ADOPT: 811
12/24/02 AMEND: 1399.25, 1399.26, 1399.27,
1399.28, 1399.29
12/24/02 REPEAL: 1382.1
12/23/02 REPEAL: 1387, 1387.3, and 1387.5
12/23/02 AMEND: 1399.10, 1399.12
12/23/02 ADOPT: 1398.52 AMEND: 1398.37
12/19/02 AMEND: 1398.3, 1398.20, 1398.21.1,
1398.28, 1398.42, 1398.47, 1399.12,
1399.20, 1399.21, 1399.22, 1399.52
12/16/02 ADOPT: 1435.15 AMEND: 1435,
1435.2, 1435.3, 1435.5, 1435.6
12/16/02 ADOPT: 1937.17 AMEND: 1996, 1996.2
12/12/02 AMEND: 2310(a)(b)
12/09/02 ADOPT: 2414 AMEND: 2411, 2418
12/03/02 AMEND: 1690, 1691 REPEAL: 1680,
1681, 1682
10/23/02 ADOPT: 1777, 1777.1, 1777.2, 1777.3,
1777.4, 1777.5, 1778, 1778.1, 1778.2,
1778.3

Title 17

02/10/03 ADOPT: 30315.10, 30315.20, 30315.22,
30315.23, 30315.24, 30315.33, 30315.34,
30315.35, 30315.36, 30315.50, 30315.51,
30315.52, 30315.60, 30316, 30316.10,
30316.20, 30316.22, 30316.30, 30316.40,
30316.50, 30316.60, 30316.61, 30317,
30317.10, 30317.20, 303
02/03/03 ADOPT: 93113
01/14/03 AMEND: 52000, 52082, 52084, 52109,
52170, 52171, 52173, 52175
01/14/03 AMEND: 50413, 50425, 50753, 50766,
50810, 54355, 57210, 57433, 58033
01/09/03 ADOPT: 1029.31, 1029.32, 1029.33,
1029.34, 1029.108, 1029.116, 1029, 124,
1029.132, 1029.133, 1029.154, 1029.195,
1031.7, 1034, 1035.1 AMEND: 1031.4,
1031.5 REPEAL: 1034, 1034.1
12/19/02 AMEND: 57332
12/05/02 AMEND: 58420
12/02/02 AMEND: 6508
11/12/02 AMEND: 94006
10/29/02 AMEND: 54000, 54001

Title 18

02/04/03 ADOPT: 2570 AMEND: 2500, 2538,
2552
02/04/03 AMEND: 1616
02/04/03 AMEND: 122.5
01/23/03 ADOPT: 1807

01/23/03 ADOPT: 17053.36, 10753.37, 23636, 23637
 01/21/03 AMEND: 25137-2
 01/15/03 AMEND: 904
 01/14/03 AMEND: 21(e)(1)(A)
 01/09/03 AMEND: 23334
 12/10/02 AMEND: 17951-1, 17952, 180001-1 REPEAL: 17554
 12/10/02 AMEND: 1502
 12/10/02 AMEND: 1703
 12/10/02 ADOPT: 1535
 12/03/02 AMEND: 1525.2
 12/02/02 REPEAL: 24348(b)

Title 19

02/04/03 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3
 12/19/02 AMEND: 2900, 2910, 2915, 2925, 2930, 2940, 2945, 2955, 2965, 2970, 2980, 2990
 11/21/02 AMEND: 557.9, 560, 567, 574.6, 575.3, 575.4(a), 578.10, 594.3, 594.5, 595.5, 596, 596.1, 596.2, 596.3
 10/21/02 AMEND: 981.3(a)(b)(d)
 10/10/02 ADOPT: 2735.3(rr), 2770.4.1 AMEND: 2735.3(rr) to (zz), 2770.5

Title 20

10/28/02 ADOPT: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608 REPEAL: 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608

Title 21

02/03/03 ADOPT: 3570

Title 22

02/10/03 ADOPT: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107
 02/03/03 ADOPT: 66260.22, 66260.23, 66273.3, 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66261.9, 66264.1, 66265.1, 66268.1, 66270.1, 66273.1, 66273.4, 66273.8, 66273.9, 66273.13,
 02/03/03 ADOPT: 51200.01 AMEND: 51000.4, 51000.30, 51000.45, 51000.50, 51000.55, 51200, 51451
 02/03/03 ADOPT: 1111560
 01/27/03 AMEND: 51510, 515110.1, 51510.2, 51510.3, 515111, 51511.5, 51511.6, 51532.3, 51535, 51535.1, 51544, 54501
 01/24/03 AMEND: 84001, 84022, 84061, 84063, 84065, 84800, 84801, 84802, 84802.1, 84803, 84804, 84805, 84806, 84807, 84808

01/21/03 AMEND: 51516.1
 01/13/03 ADOPT: 100040, 100041 100031, 100039, 100042, 100043, AMEND: 100031, 100032, 100033, 10034, 100035, 100036, 100038, 100040, 100041 REPEAL: 100037, 100039, 100043
 01/07/03 ADOPT: 12203, 12204 AMEND: 12102, 12302, 12304, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504, 12601, 12701, 12709, 12711, 12721, 12808, 12803, 12805, 12821, 12901, 12902, 12903, 14000 REPEAL: 12103, 12104, 12201, 12301
 12/24/02 AMEND: 51503, 51503.2, 51504, 51505.2, 51505.3, 51507, 51507.1, 51507.2, 51507.3, 51509, 51509.1, 51514, 51517, 51521, 51527, 51529, 51535.5
 12/23/02 ADOPT: 64860
 12/23/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12
 12/09/02 ADOPT: 111550
 12/03/02 ADOPT: 119184 REPEAL: Manual of Policies and Procedures Section 12-225.3
 12/02/02 ADOPT: 110411, 110625, 111110, 111120, 111210, 111220, 111230 REPEAL: MPP Sections 12-000, 12-003, and Appendix I
 12/02/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30
 11/25/02 ADOPT: 66273.6, 66273.80, 66273.81, 99273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9
 11/25/02 ADOPT: 119015, 119019, 119045, 119069, 119076, 119191, and Forms CSS 4476 (09/02), CSS 4477 (09/02), CSS 4478 (09/02), CSS 4479 (09/02), CSS 4480 (09/02), and CSS 4481 (09/02)
 11/18/02 AMEND: 69103
 11/18/02 ADOPT: 4407.1
 11/05/02 AMEND: 1256-9, 1253. 12-1, 1030(a)-1
 10/31/02 ADOPT: 64806
 10/28/02 ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049, 117052, 117054, 117064, 117074, 117080, 117083, 11785, 117089, 117091, 117094, 117200, 117300, 117301, 117302, 117303, 117400, 117401, 117402, 117403, 117404,

10/21/02 ADOPT: 110226, 110242, 110251,
110336, 110337, 110355, 110485,
110547, 110615, 116004, 116018,
116036, 116038, 116042, 116061,
116062, 116063, 116100, 116102,
116104, 116106, 116108, 116110, 116114,
116116, 116118, 116120, 116122,
116124, 116130, 116132, 116

10/09/02 ADOPT: 111900, 111910, 111920,
121100, 121120, 121140 REPEAL:
(MPP) 12-435

Title 22, MPP

12/03/02 AMEND: 101218.1, 102419, 102421
10/28/02 ADOPT: 89202, 89261, 89319, 89323,
89370, 89372, 89374, 89376, 89388,
89400, 89405 AMEND: 87000, 87001,
87005, 87006, 87007, 87009, 87010,
87010.1, 87010.2, 87017, 87018, 87019,
87019.1, 87019.2, 87020, 87021, 87024,
87026, 87027, 87028, 87029, 87031,

Title 23

01/13/03 ADOPT: 3963
12/19/02 ADOPT: 3410, 3410.1, 3410.2, 3410.3,
3410.4, 3410.5
12/17/02 ADOPT: 3913
12/09/02 AMEND: 3933
12/05/02 ADOPT: 510, 511, 512, 513, 514, 515,
516, 517
10/29/02 AMEND: 2200

Title 25

11/07/02 AMEND: 1317, 1318, 1319
11/07/02 AMEND: 5575

Title 28

12/17/02 ADOPT: 1300.67.60
12/16/02 ADOPT: 1300.89
11/21/02 AMEND: 1000, 1300.43.3, 1300.43.6,
1300.43.10, 1300.43.13, 1300.43.14,
1300.43.15, 1300.45, 1300.47, 1300.51,
1300.51.1, 1300.51.2, 1300.52.1,
1300.61.3, 1300.65.1, 1300.89, 1300.99
11/12/02 ADOPT: 1300.70.4, 1300.74.30
AMEND: 1300.68, 1300.68.01

Title MPP

01/23/03 AMEND: 40-181.1(e), 42-710.6, 42-
711.5, 42-711.6, 42-711.8, 42-721.1, 42-
721.4, 44-314.1, 44314.2, 80-301(r), 82-
812.6
01/23/03 AMEND: 49-020
01/14/03 ADOPT: 16-705
01/14/03 ADOPT: 11-404, 11-406 AMEND: 11-
400, 11-402, 11-403, 11-405
12/24/02 AMEND: 84001, 84022, 84061, 84063,
84065, 84800, 84801, 84802, 84802.1,
84808, 84805, 84803, 84804, 84806,
84807.
12/19/02 AMEND: 45-101, 45-201, 45-202, 45-
203, 45-302, 45-304, 80-310
10/21/02 AMEND: 31-001, 31-002, 31-075, 31-
401, 31-405, 31-410, 31-420, 31-440,
31-445

